

A STRANGE CONFESSION.

CHAPTER I.

On the 20th of June, 1878, about ten o'clock in the evening, a man and a woman were leisurely walking along St. James Street, in the quiet city of San José, California, when their conversation was suddenly checked by the smothered sound of a pistol-shot in a dwelling they had passed a short distance. It was on the north side of the street. There could hardly be a mistake in the house, as the one from which the sound undoubtedly issued was nearest the walkers, there being but few houses in that vicinity. They halted, listened some moments, and heard no other sound. The man suggested to his companion that they approach the house nearer. She hesitated some time, terrified more at the oppressive silence that followed the shot than at the probable existence of a tragedy; and then, receiving strength from the man's superior calmness, quietly consented, clinging closely to his arm. They halted at every few steps, and listened, but heard nothing. They stopped at the gate, and listened intently. Everything was quiet.

"Must have been in a back room," whispered the man.

"That sounded like a moan," said the woman, thoroughly frightened.

"Was it a man's voice?"

"No; a woman's."

They remained several minutes; to the woman it seemed an hour. Then they heard the moaning more distinctly.

"Call some help, Henry. Go in yourself—they are killing her."

"It is not a cry of pain," he said, quietly.

"What, then?"

"Anguish."

The only light visible was that from a lamp in the hall. The house again became perfectly silent. The man was about leading his companion away, when her quick hearing detected a sound. A nervous pressure of her hand on the man's arm caused him to listen. That which had attracted her attention was the soft creaking of shoes on the carpeted stair. She heard some one descending carefully and mincingly; then there was a short pause, the faint rattling of a small chain attached to the lamp, and in a moment the house was plunged in pro-

found darkness. The creaking of the shoes was again heard as the unseen person ascended, the footfalls growing quicker as the top was approached, as though spurred by fright. This was followed by silence.

"It was a woman," whispered the man's companion.

"How do you know?"

"By the shoes."

"But how?"

The woman simply made a slight movement of impatience, and said nothing. They waited a short time longer, and then passed on. Said the man:

"I shall notify the police immediately."

Soon after they had left, the door of the house was unlocked and opened. A man walked softly out, carefully closing the door. He seemed to be an old man, for his step was heavy and infirm as he reached the walk. Still, his head was bare, and it was not gray. He tried to open the gate, but made a mistake in the latch side, and did not discover his error for some moments. When he gained the street he scanned it in both directions, and found it deserted. He walked toward the city, slowly and unsteadily, and with the labor of a man bearing a heavy load. Suddenly he placed his hand on his head, and discovered that he had forgotten his hat. He turned back reluctantly, gazed at the house, shivered, and turned again toward the city. An idea occurred to him, and, searching his pockets nervously and hurriedly, he found and drew forth a silken cap, which he placed upon his head, drawing the visor well down. He then proceeded.

There was a singular dogged determination in the man's movements. He carried his heavy burden fiercely and angrily, clinging to it while it crushed him; nerving himself to bear it safely to its destination; grinding his teeth and clenching his hands with bitter resolution. He had not the look of a man escaping—there was not the anxious, furtive look around; yet he feared the darkness. When he reached the lower corner of St. James Square, he hesitated to traverse the gloomy and dimly lighted distance diagonally across; but, gathering up the shattered remnants of his manhood, he braved the darkness, and passed through. With the same almost reeling gait he crossed First Street and entered St. John. As this street was poorly

lighted, and without passers, he quickened his pace until he reached Market Street, where the light was better. To his left, about half the distance to Santa Clara Street, and on the opposite side of Market, was a two-story brick building, lighted up. It was the City Hall, containing the police station, with the prison in the rear. There were several pedestrians in that vicinity and on Santa Clara Street.

He was slowly crossing in the direction of the City Hall, when he hesitated, and then halted. However, after a moment he again went forward until he arrived at the entrance of the City Hall. He started to enter; then drew back.

"My God!" he groaned, and turned away.

His nerve had broken down.

He crossed Santa Clara Street, turned into San Fernando, and entered a drinking saloon.

"Give me some whisky," he demanded, in a calm, imperious tone, with an insulting manner, in a voice that implied a threat, in the way in which a dog would be commanded. The bar-keeper meekly set before him a tumbler and a bottle. The stranger filled the tumbler to the brim, drank the contents, and refused the water that was offered him. As he paid for the drink, the bar-keeper said, pleasantly, as if to put him in a good humor:

"Pleasant weather we are having."

"Dry up!" came the reply, so suddenly, and with such fierceness, that the man behind the bar was confounded. The eyes of the stranger flashed, and he grasped the tumbler so threateningly that it seemed another word would send it flying in the face of the bar-keeper. The two men glared at each other, the one surprised and frightened, the other aggressive and terrible. The stranger's muscles slowly relaxed. He finally filled his glass, and drank again, and again, and again. Then he left.

The stimulus imparted by the liquor caused the blood to rush hot and thick through his veins as he stood for a few minutes in the shadow of a doorway—gave him strength and courage, brightened every faculty, made him a hero at heart. He looked at the street-lamps, at the stars, at the passers-by. He walked slowly toward the City Hall, pondering deeply.

It was with a firm step that he entered. He seemed a stranger to the surroundings. At the further extremity of the hall he found, to the left, an open door, leading into a room that was lighted, but vacant. A small door, opposite the entrance, confronted him. The upper half of it was glass, over which a shade was drawn. Posted above the door was a piece of card-board, on which was printed, "Police Station." He rapped, and the door was opened

by a man between thirty and forty years of age, who surveyed him with a quick, searching glance. He politely invited the stranger to enter. The latter went in, and found himself in a very small room. It contained a desk, at which a young man sat, a safe, a stove, and two or three chairs. On the walls were posted several placards, offering rewards for the arrest of criminals, and photographs of other criminals on postal cards, with the offense and description printed alongside.

"Gentlemen," said the stranger, "who is in charge here?"

"I am," replied the man at the desk, with a look of deference at the older man, who said nothing.

"I have come to tell you something," said the stranger, somewhat confidentially, and with a little mystery and importance.

"What is it?"

"A crime was committed to-night——"

"On St. James Street?" This question came sharp and quick, like an explosion.

It greatly surprised and puzzled the stranger, and changed his manner. A strange dread succeeded his surprise.

"Has anybody—I mean have—have—has anybody been here?"

"I sent a couple of men to the house not long ago," said the elder man, who, until then, had been silent. "Maybe they'll fetch somebody."

The stranger was evidently embarrassed, and thrown from his reckonings. He reflected for a moment, and then his face cleared up.

"Do you know anything about it?" asked the man at the desk.

"Yes."

"What is it?"

"I came here for the purpose——"

"Well?"

"Of lodging information."

"Against whom?"

At this question the stranger wavered; and then, in a thick, husky voice, preceded by a harsh clearing of the throat, that sounded like the turning of a screw in a coffin-lid, he said:

"John Howard."

The officers wrote the name on a slip of paper.

"No middle name?"

"No."

"What is the charge?"

This was a terrible moment for the stranger. It might have recalled a ghastly picture, while it opened up a future full of revolting things; a fair name dragged in the dirt, scorned, spat upon, kicked into the gutter; a world from which the sun was blotted out; a maddened brain and a broken heart.

He wavered for a moment, but his determination was quickly restored by the gaze of the two men riveted upon him, burning him through and through. He dropped into a chair between the two officers, to hide the trembling of his knees.

"What is the charge?" repeated the man at the desk.

"Murder."

"E—h?"

The two officers were greatly surprised.

The stranger looked uneasily toward the door, and had the appearance of a man whom fear of some kind pursued; as though he dreaded something; as if he expected an accuser to rise through the floor and charge him with treachery. It was a frightened rather than a cowardly look; a dread of a calamity rather than an expectation of it.

"When did this occur?"

He reflected a moment, and then answered, deathly pale:

"About an hour ago."

"Did you see it?"

The question fell upon the stranger heavily, unnerving him. Struggling desperately to recover his self-possession, and rocking in his seat from side to side as though staggering under a stroke of paralysis, he glanced nervously from one of the men to the other, helpless, crushed, pleading. He did not answer the question. There was a strange hesitancy in his manner of imparting the information and lodging the terrible charge. His lips were glued together, and the men noticed that he shivered as with a chill.

"Tell us what you know about it? Whom did he kill?" This impatiently.

The stranger simply stared.

"Where is this man Howard?" asked the older officer, starting up angrily.

There was no reply. The informant looked up at him so vacantly that the officer became uneasy. He seized the stranger's arm and shook him. As though the rough touch had electrified rather than aroused him, he threw up both hands, grappled the air, and seemed like a drowning man catching blindly at whatever might save his life. He sighed brokenly, but the sigh changed to a gasp.

"Here! Wake up!" called the officer in a loud voice, again shaking him.

The vacant look continued. Said the officer in disgust:

"He's drunk."

This roused the stranger. As if just awakened, he asked faintly:

"What is it?"

"Has Howard left?"

The stranger shook his head, after hesitating some time with an effort to remember something.

"Where is he, then?"

His answer was a stare.

"In the name of God, man, what is the matter?"

The stranger did not reply. His stare relaxed, and his head fell upon his breast.

"Stupid drunk," remarked the man at the desk.

"Do you know him?"

"Never saw him before."

"It's about time for the men to be back, isn't it?"

"Yes."

There was a minute of moody silence. Then the older man asked a question that, all unwittingly to himself, had the effect upon the stranger of a knife in the throat:

"What is your name?"

"Hey?" asked the stranger, looking up, stupidly, the painful, vacant expression again stealing into his eyes.

"What's your name?"

"My name?"

"There they are, Chief," interposed the man at the desk as the footsteps of two men were heard in the hall.

Again did the searching, anxious look in the stranger's face assert itself as the two policemen entered the door. He peered behind them keenly and fearfully, but saw no one with them. He then sank back into his chair with profound weariness and exhaustion and a look of triumph.

"Well?" inquired the Chief, as he, too, saw that the men had no one in custody.

The two men were sore perplexed. Said one:

"Can't make head nor tail out of it."

"Where's the man?"

"What man?"

"That did the shooting."

"Oh!" The two men looked at each other, greatly embarrassed.

"Yes. John——" he had forgotten the name. Glancing at the slip of paper, he added, "Howard. John Howard."

"Why, that's her son."

"Whose son?"

"The woman that lives there."

"Well, where is he?"

The two men regarded their interlocutor blankly.

"He's gone," said one of them.

"Gone!"

"Slipped away. Jumped the town."

"Humph!" grunted the Chief. Then turning round to the stranger, he said:

"Your man has skipped."

His look was met by a meaningless stare.

"He killed his man, did he?" asked the Chief of the men.

"It was a woman."

"A woman!"

"Yes; young and pretty."

"Shot her, eh?"

"Right through there," said one of the men, as he placed his finger on the Chief's breast, a little below the left nipple. "It was the littlest hole I ever see; but the ball must a' went straight to the heart. There ain't no blood to speak of, except a little red stain on her corset, right around the edge of the hole. It must a' been a terrible small pistol, but it done the business up to the handle."

"The infernal coward!" muttered the man at the desk, who, it will be remembered, was a young man.

The Chief paid no attention to the interruption. He asked the men:

"Who's in the house with the body?"

"His mother and a young girl."

"Whose mother?"

"Why, the fellow that done the work."

"Yes. Well, what did she say?"

"She was so broke up and flurried, like, that we couldn't get much out of her. She was as crazy as ever I see a woman."

"Was the dead girl her daughter?"

"No. Just a friend living with them."

"Anybody else in the house?"

"Only a young girl—a niece, I think she said."

The Chief pondered a moment, and asked:

"About how old is this niece?"

"I should say about sixteen or seventeen. Maybe not so old."

"Humph! Well, what did the old woman say?"

"She kept ravin', and sayin', 'My poor boy! my poor boy!' And when I asked her where he was—I didn't know about his being a man, and stayin' there with her—she jumped up and stormed at us furious, and looked like a regular tiger; and said it was none of *our* business; that *we* needn't fret about him; that he was away off somewhere."

"She wouldn't give him away, eh?"

"No; she didn't—in so many words."

"And she never will," said the Chief, thoughtfully. "But I think we've got *that* game beat. And there's more ways to do it than one. You didn't search the house for him?"

"No, not exactly; we didn't know it was him that done it, you see."

"What was this young girl doing?"

"Oh, she's scary anyhow, and had fainted two or three times, and then came to, and was so

dazed she didn't know anything. The old woman would be terrible cross with her, and then pet her and kiss her."

"Who are these people?—strangers, ain't they?"

"I guess they are. None of us ever heard of 'em before. I know the house was vacant a short while ago. I'll tell you, Chief, it's so late now we'll have to wait till morning before we find out anything, and watch the house to see if he comes out."

"It is too late to watch the house after you both came away, and left him every chance in the world to light out."

He said this somewhat reproachfully, and the two policemen looked ashamed.

"Say, my friend," said the Chief, addressing the stranger in a loud voice, as though he spoke to a deaf man, "did you see the shooting?"

There was only a vacant stare for an answer.

"Come! What do you know about it?"

Still there was only a non-comprehending, helpless stare.

"He's drunk," said the Chief. He seized the stranger's arm and shook him violently.

"Say! brace up! what is your name?"

"Hey?" came the pitiful, childish, meaningless query, asked as it would be by one half asleep to a question by some one existing only in a dream.

"What is your name?" The question was loud and imperative.

The answer came in a clear, and small, and meaningless voice, and in a purely mechanical way:

"John Howard."

CHAPTER II.

The officers were aghast. Certainly it was an easy capture. They led the prisoner, meek, and submissive, but shattered and trembling—drunk, it was thought—to the county jail, nearly three blocks distant, and locked him in a place reserved for the worst criminals. It was called the "tank," and consisted of an arrangement of six iron-lined cells, inclosed within four iron-lined walls, the cells occupying the center of the area. He spoke not another word, though plied with questions. He was in that condition of complete mental and physical collapse, when the last remnant of strength of whatever kind has been expended in the accomplishing of a great purpose. They left him, his white face pressed against the small wicket of his cell, staring blankly at the wall, which stared at him in turn, as blanched and meaningless.

The Chief did not share the elation felt by his men at the capture and its importance. He was gloomy and thoughtful, but he kept his trouble to himself. To the two men who had already visited the scene of the tragedy he gave this order:

"Watch the house until you are relieved in the morning. Arrest anybody going in or coming out, and one of you bring him to headquarters, while the other stands watch. Keep your eyes wide open."

The county jail is in the rear of the courthouse, which fronts upon First Street and St. James Square. After the policeman had disappeared through that gate of the Square which opens upon First Street, opposite the courthouse, the Chief, who was returning to the police station, halted, and listened until the footsteps of the men could no longer be heard. Then he retraced his steps, passed the courthouse, and turned into Julian Street, which is next to St. James on the north. He went down this street until opposite the house of the tragedy, and stood for some time looking at a lighted window in a rear room of the upper story. But the distance was too great for observation. He turned back toward First Street. On reaching this street he turned to the right, and had gone some distance, when he entered a yard in which stood a handsome dwelling, and rang the door-bell. The door was immediately opened by an old man in a dressing gown.

"You are sitting up late, as usual, Judge," said the Chief of Police.

"Ah, Casserly! Is that you? Come in, my boy; come in. Glad to see you."

This old man had been a jurist of some note; had been a judge until the infirmities of age demanded that his labors should cease; and had declined all honors and distinctions, preferring the quiet of his home and the company of his books. He was nearly eighty years old. He was of Jewish origin, as his name, Simon, indicates. He was a small man, with white hair, a clean shaven face, and stooping shoulders. In his face was the keen, bright look of younger days, tempered with the impress of profound thought and study. It was said that his knowledge of human nature was subtle and extensive.

"Now, Casserly," he said, as they were seated in his study, "something unusual has happened. And you always come to your old friend whenever anything troubles you. You know I am always glad to see you." He spoke with a cheery laugh, rubbing his withered old hands together in the friendliest manner.

He listened with absorbed attention to the Chief's recital, interrupting him frequently with

pertinent questions. When it was finished he sat back in his arm chair, with closed eyes, tapping his forehead with his gold eye-glasses. After sitting thus for some time he said:

"Poor boy! poor boy!"

The Chief was surprised—almost startled.

"Poor *boy*, did you say, Judge?"

The old man nodded.

"It seems to me," said Casserly in a tone of deference, "that you might have said *poor girl!*"

"Why, Casserly?"

"She is the one who suffered."

"But suffers no longer, Casserly."

The Chief was thoughtful. The Judge added:

"It is the boy who suffers now, and more than the girl did in her death agony. He is with us and is one of us."

Casserly stood somewhat in awe of this old man's pity.

"What do you think of the case, Judge?"

"Very strange case, Casserly; very strange."

They sat in silence, the eyes of the Chief fixed steadily and hungrily on the old man's face.

"How old did you say he is, Casserly?"

"About twenty-five or twenty-six."

"Describe him accurately."

"Well, he's about five foot ten; weighs about a hundred and forty; broad-shouldered for a slender man; straight as an Indian; black hair and mustache; fair complexion; large blue eyes. He's as pale as death."

The old Judge nodded as each item of the description was called off.

"Casserly," he said, "a man at that age is both a man and a boy. It is the age when pride is stronger than at any other time in life, for it is tinged with heroism. But how can I tell, Casserly? I have not seen and studied him. You say he has white hands—you said so, didn't you?"

"No; I didn't say so; but his hands are small and white."

"Yes. Well, I knew it anyway. A man with such a face as you have described, and who has done what this man did in giving himself up to the clutches of the law, could not have hands that labor has stained and hardened. And he is pale. Then he is a student. You say he has not the appearance of a dissipated man—I think you must have said so, Casserly?"

"No, Judge," said Casserly, smiling; "but for a fact he has the appearance of a man who dissipates very little, if any."

"Then, Casserly," said the old man, "he is a hard student. Furthermore, he has—or had before this affair—a tremendous ambition. At the age of twenty-five, Casserly, there is all the

will of manhood coupled with the heroic dreams of younger days, which may have been buried out of sight with other boyish follies, but whose ghosts linger about. It is the time in life when a man may undertake to do grand things; will sacrifice anything for his friend, or his father, or his mother, or the woman he loves."

This strange speech, which to Casserly's mind was entirely irrelevant, caused him to exhibit some surprise. Seeing it, the old man laughed.

"Why, you ought to know me by this time, and what a rambling, garrulous old man I am. I know what it is you come to ask me, Casserly."

"I beg your pardon, Judge, but I don't think you do."

"Oh, yes, Casserly. I know very well," and he laughed heartily.

"What is it, then, Judge?" asked Casserly, interested.

"In your old narrow, stupid way, that I can't rid you of, you want to know if the evidence is sufficient to convict. Own up to it like a man, Casserly," and he laughed quite heartily at Casserly, who laughed through his own confusion.

But Casserly was crestfallen. His deep regard for the power of the man who spoke to him, divining his thoughts, was strengthened.

"You are a great blockhead, my boy. You never get beyond the consideration that a man has committed a crime, and that he must be sent to jail—or hanged."

Casserly looked ashamed, and a little hurt. The old man noticed it, and good-naturedly said:

"But you are willing to learn, Casserly, and that is half the battle."

He became thoughtful again, and presently said:

"It is not sufficient to convict him, Casserly. The law throws great safeguards around a guilty man who protests his innocence, for it presumes that no man is guilty until he is proven so beyond a reasonable doubt, and the proof must be furnished by the prosecution. Still greater are the safeguards it throws around those who advertise their guilt, for the law then becomes suspicious. Of course, I except those cases where the plea of 'guilty' is made for manifest reasons—as, for instance, for clemency. The strongest motive in human nature, in its healthy condition, is self-preservation. There are three conditions in life in which this principle may be overshadowed. They are pride, despair, or religious fanaticism—all to an unnatural degree. By 'unnatural' I mean abnormal; for, as a matter of fact, there is no such thing as something unnatural in a human being. There are cer-

tain elements in his nature that are developed or suppressed by circumstance. Religious fanaticism may be termed the prolonged existence of emotional insanity. Now, these three conditions may be combined, in which case the result is generally incalculable, and can be foreseen only when we possess knowledge of a person's character and temperament, and in what proportions, and to what extent, the three conditions, or any two of them, may be united. So strong, Casserly, is this principle of self-preservation, that, even if it should be overshadowed to the extent of a desire for self-destruction, such overshadowing is only temporary. Give Nature time, and she will work it off as she would any other disease that may seem incurable, but that may not be so. There are few diseases of the heart but can be cured. To carry this idea a little further, Casserly, I believe that almost every trouble may be cured; and, if it is apparently not cured, you will find that another, and a more strange, condition has arisen. It is that, sooner or later, trouble will bring a relish of its own; and when this is the case, it no longer exists. I have seen people, Casserly, who hugged and nursed their troubles, and others who were rather proud of them. Take these so-called troubles away from them, and they would, indeed, be miserable; for by this time Nature has fitted the heart to bear the affliction, and to do so she had to remove the sweetness that happiness would bring to an untroubled nature. The law of adaptation applies even here, for, Casserly, life is for the greater part habit. It is hard to be without that to which we are accustomed, even though it be trouble. So trouble may be a consolation."

Casserly yawned. The old man continued:

"This young man has acted on impulse. Nature had not time to eradicate the disease before he took the fatal step of the surrender. The murder could not have been otherwise than the result of an impulse of some kind. But now watch the result. The time before his trial and possible conviction will be long and tedious, and the instinct of self-preservation may assert itself. Even this, however, is conditional. There is no rule that applies to human nature. Natures are so diverse. In no two is there the same combination of elements. If this man is actuated by pride, I should think, judging from his nature as I imperfectly understand it, that he may possibly assert his guilt to the end, and mount the scaffold triumphantly. If it is despair, he will fight for his life; for, with young persons, despair always yields to time, and hope, and love of life. If it is pride, he could hardly be guilty, or, at least, entirely at fault.

If it is despair, the chances are in favor of his guilt. If it is a mixture of both, he will take his own life, if the gallows is slow. But the question is too broad, the probabilities too numerous, and the evidence too slight, for us to draw an intelligent conclusion. I think the prisoner is an extraordinary man, Casserly—a man of invincible pride.”

The old man again withdrew into himself, and, on emerging, continued :

“I suppose you understood my remarks on suicide to refer to this young man’s evidently suicidal intent in his act of surrender.”

“Yes,” said Casserly; but Casserly was disposed to be accommodating.

The old man again reflected, and said :

“I think you displayed commendable forethought in one thing, Casserly.”

“What was that, Judge?”

“Why, in the sending of those two men to watch the house.”

Casserly looked pleased, and a gleam of cunning came into his eyes.

“I don’t think you really dropped on what I did it for, Judge.”

“Didn’t I, though?” and the old man laughed heartily. “Why, Casserly, I can see through you as though you were a piece of French glass, if my old eyes *are* dim. The idea occurred to you that possibly this young man had surrendered himself to throw suspicion in the wrong direction, so that by the time he should have established his innocence the real criminal would be beyond the reach of justice. That was your idea, Casserly.”

Casserly laughed.

“Do you think it a good one, Judge?”

“Oh, very good—in intention. It is of more importance than that, however, in preventing the flight of the young girl.”

Casserly became very attentive.

“If this girl attempts to escape,” continued the Judge, “depend upon it that her testimony would be fatal to young Howard. She could not tell a straight falsehood under the terrible ordeal of the cross-examination. But the mother—mark you, Casserly—the mother will have her tongue torn from her mouth before she will render damaging testimony against her son. Casserly, your mother died years ago, did she not?”

“I was too young to remember her.”

“Then, Casserly, you do not know that a mother is the only friend in the world.” The old man paused a moment, and then added, softly, “In the whole world, Casserly.”

After reflecting longer, he said :

“Did he kill this girl in a fit of jealousy? I don’t know. Had he betrayed her, and, through

lack of love for her, by loving some one else more, killed her to hide her shame? I don’t know. I have no idea. In any event, why did he surrender himself, when he might possibly have escaped? That is the great question, Casserly. It cannot possibly be answered now. But it is because either of pride or despair. This young man has charged himself with murder. Is his mother cognizant of it? Certainly not. Did she know that he had any such intention? Certainly not, or she would have followed him, clung to him, and prevented him. Very well. She knows he left the house soon after the murder. In fact, she seemed proud and triumphant that he was beyond the reach of the officers, as she supposed. There, Casserly, is ground for a terribly strong presumption of guilt. Terribly strong. What do *you* think?”

But Casserly merely shook his head helplessly.

“Terribly strong, sir, *I* think. There is another very curious circumstance. From what I can understand, he went into the office with great firmness—in fact, apparently laboring under very little excitement. Am I right?”

“Yes.”

“But seemed to be greatly unnerved on learning that you had sent the officers to the house. Right again?”

“Yes; but I think it was the liquor.”

“Casserly, Casserly!”

“Well, maybe not. And, now I think of it, he seemed anxious about their return.”

The old man was all eagerness.

“Did he, eh? Then, Casserly,” he said, somewhat excited, “he was fighting for time. For some reason he wanted to know the result of their visit.”

His ardor suddenly died out, and he added :

“But there could be so many reasons for his wishing to gain time before he went too far. Yes, so many. Let that go, and let us analyze this matter of the surrender a little further. He did not advise his mother of his intention, for the reason that he knew she would resist it. He knew, furthermore, that his disgrace is her disgrace, and that, in addition to being disgraced, she will be broken-hearted. But hold! I am too fast. There are so few young men who know what a mother can suffer for her son. He may be such a man, but I don’t think so. I contend that he is an extraordinary man. I think he is a man who would suffer anything for his mother, unless his whole equilibrium was destroyed. Now, by his act she will be disgraced and broken-hearted. Will she feel her disgrace, or care for it? No; for it will be swallowed up in love for the boy. I know these

mothers, Casserly. In such a case as this they can baffle justice at every turn. Religion, pride, honesty, self-respect—all sink into insignificance when it comes to saving the life of a son. And they are wonderfully shrewd. There is not a flaw in their testimony. They can adjust great apparent inconsistencies the moment such are presented. They generally foresee and provide against them. I tell you, Casserly—you may think I am extravagant—but I know, I know."

The old man rose to his feet in his excitement, and continued:

"And she never loves him more than when danger threatens him, and the world is against him. A woman idolizes her son. She worships him. Yes, worships him—that's the word. She is faithful to him, if she knows he's a murderer. And, Casserly," he said, lowering his voice almost to a whisper, and shaking his finger in Casserly's face, "she will forsake her husband and her daughter, forsake heaven and earth, to save her son."

A tear glistened in the old man's eyes.

Casserly was greatly moved by this striking picture, and it filled him with uneasy forebodings.

"Casserly," said the old man, reseating himself, and as calm as usual, "this tragedy is mysterious. I can give you very little help now, for I have seen neither the man nor the mother. The great mystery lies in his surrender. While we are in a mood for speculation, let us form a theory—one based on the evidence before us. I am inclined to think that this boy is a law-student, and I'll tell you why: You think he was drunk. In any event, you detected the liquor, and you knew he had been drinking. He might have been drunk, or he might have been insane from despair, or he might have been acting a part. Had you thought of that?"

"No," replied Casserly, all attention.

"Well, it takes no great knowledge of law to know that a plea of insanity is the criminal's stronghold."

Casserly became intensely interested. The old man continued:

"Is it not possible that he preferred to take his chances with a plea of insanity, and give his surrender and conduct as an evidence of it, rather than to escape, and run the risk of capture, when the plea of insanity would have less weight?"

"By thunder! you have hit it."

The old man laughed softly.

"I have taken a good deal of pains with you to-night, Casserly. This case belongs to the State, and not to you. You have nothing to do with it."

Casserly, confused, looked appealingly to the old man.

"Ha! ha! ha! Casserly, I knew it all along. You want to work up the case, and become famous as a detective. You can't fool me, Casserly," and he enjoyed the joke immensely.

"Gracious!" he ejaculated; "it will soon be daylight. You have kept me up all night. You have a queer way of making me talk, Casserly, and there is never any stopping when I get started. I am a little anxious to know the result of the inquest."

Casserly rose to leave.

"Come again, Casserly, as often as you can."

If the truth must be told, the old man was flattered by Casserly's admiration of him and reliance upon him.

Casserly went directly to the police station.

"Well, Captain," he said, addressing the young man at the desk, who was Captain of the Night Watch, "is there anything new?"

"I should think so. There's the mischief to pay. Where have you been? I've had the town scoured for you."

"What is the matter?"

"Sit down, and I'll tell you."

The Chief drew up a chair, a look of anxiety in his face. The Captain commenced:

"Soon after Frank and Joe went down there, the old woman sneaked out of the house, peered around, and saw Joe across the street. He was kind of hidden, too, but she saw him anyhow. She called him over, and asked him if he was a policeman. He said 'yes.' Then she asked him what he was doing there. He said that was his beat. Then she wanted to know if he had seen or heard anything. He blurts out, like a fool, that her son had given himself up. Well, sir, Joe said that if that woman had been struck over the head with a club it couldn't have stunned her more. She staggered back and fell on the steps, but didn't say a word. He went into the yard and picked her up, and she was all weak, and her teeth chattered. After awhile she told him she was all right; that she was subject to dizzy spells. Then she sits very quiet, and says to Joe, 'Will you please, sir, go and send me a messenger boy? I want to let my daughter in the country know.' Joe studies a little while, he says, and then tells her he will; because the message might give something away, you see. So he calls Frank, and when the woman sees there are two of 'em she is all broke up again, but don't say a word. So Frank goes after the boy, and Joe stays. When the boy comes—he was riding a horse, mind you—the old lady takes him in the house and locks the door. 'All right,' says Joe, for he knew they were all in the house. Somehow

it took the old lady a long time to write the message. The boy comes out, looking kind o' scared, and Joe says to him, 'What's the matter?' 'Oh, that's all right, Joe,' says the boy; 'I'm in a big hurry, and will tell you all about it when I get back.' Then he got on the horse and was gone like the wind. In about an hour another boy came out, crying. Joe thought it was the girl in disguise, trying to get away. He nabs her, because the clothes are too big, and give her dead away. But who should it be but the messenger boy?"

Cassery was aghast.

"And the other boy—"

"Was no boy at all, but the young girl. The old lady—she's a terror!—when she got the boy up stairs, put a pistol under his nose, and told him if he cried out she would shoot him like a dog. Then she made him take off his clothes, and gave him some of her son's to put on, and made the girl dress in the boy's uniform. The boy says the girl was scared, but the old lady made her drink some brandy, and made the boy

tell Joe's name, and then took the girl into the hall and whispered to her. Then the girl went down stairs, and the old lady wouldn't let the boy go for an hour. She just sat there by the body, looking at the boy, and playing with the pistol, and didn't say a single word."

"Did you start any one after the girl?"

"Two or three; but it was so late in the night that nobody was out, and they came back without striking the trail."

"Did you telegraph?"

"No."

"How long has she been gone?"

"Over three hours."

"A big start, but we must catch her."

"But wasn't that a sharp trick, though?"

"Yes. I am afraid the woman is too much for me."

The Chief was silent a minute, and then said, reflecting on the words of the old man:

"It proves one thing, Captain."

"What is that?"

"Howard is guilty." W. C. MORROW.

DID DR. WHITMAN SAVE OREGON?

A reference to the Ashburton treaty, which occurs in an article, "How Dr. Whitman Saved Oregon," in the July number of the CALIFORNIAN, suggests the thought of how little may be understood of the nature of our treaties with foreign nations. The author of that article, in recounting the services of Dr. Whitman, imputes to him some influence in forming one of a series of treaties and conventions concerning the boundary of the United States; and without, apparently, having examined the subject, connects the settlement of the north-eastern boundary with the boundary of Oregon, when, in fact, they are distinct, and were settled by different treaties. The following are the facts relative to the Ashburton treaty of August 9, 1842:

On the conclusion of our War of Independence a treaty was held at Paris, November 30, 1782, when the *Provisional Articles of Peace* were signed, and the boundaries of the new power, so far as our possessions bordered on those of Great Britain, were defined as well as they could be without a more perfect knowledge of the geography of the region through which the line passed, but not "by metes and bounds" that could be understood by all. Therefore, in September, 1783, a second treaty was made and

signed at Paris, called the *Definitive Treaty of Paris*, in which his Britannic Majesty acknowledged "the said United States" to be "free, sovereign, and independent States," and that he treated with them as such, relinquishing all claims to the government, and proprietary and territorial rights; and that disputes which might arise in future on the subject of the boundaries of the United States might be prevented, it was agreed and declared that the north-west angle of Nova Scotia should be at a point where a line drawn due north from the source of the St. Croix River should strike the highlands that divide the waters of the rivers falling into the St. Lawrence River and the Atlantic Ocean respectively, and along said highlands to the most north-western head of the Connecticut River; thence down the middle of that river to the forty-fifth degree parallel of latitude; thence due west on that parallel to the St. Lawrence River; thence along the middle of that river to Lake Ontario; and thence along the middle of all the lakes and rivers connecting, to the most north-west point of the Lake of the Woods; and thence on a due west course to the Mississippi River, down which river to the thirty-first degree parallel of north latitude the line extended, where it deflected to the east till

a brig-rigged man-of-war, with engines capable of driving her at the rate of over thirteen knots an hour. She is constructed of teak, armed with eight broadside Vavasseur guns, forty-pounders, breech-loading, and one bow-gun, throwing a shot of three hundred pounds. She was built

in 1876, at the Foochow arsenal, and is numbered seven in the books of that establishment. On leaving her, I again took passage in the *Kiang Teen*, and arrived in Shanghai, safe and sound, after an absence of six days.

HENRY D. WOOLFE.

A STRANGE CONFESSION.

CHAPTER III.

On Saturday, the 21st, following the tragedy of Friday night, there was great excitement in San José. The earlier risers, through force of habit, glanced carelessly at the morning paper as usual, started at seeing the head-lines of the terrible affair, and then hurriedly and eagerly read the meager, but elaborated, account published. Many had already heard rumors, the story having gained some currency the night before; and these, more than the others, were eager to read it. As a general thing, people experience more satisfaction from reading the account of an occurrence, of which they have complete or partial information, than do those who have heard nothing. The facts were meager, for the reason that the reporters had been denied admission to the house. But in the name of all that should make journalism a builder up rather than a tearer down—the friend of the people rather than the devil's flag of truce, the shield of the innocent, the helpless, and the friendless, rather than the convict's winding-sheet—enough was said, and more. For the California news gatherer is, more strictly speaking, a news monger. He is nothing, if not "sensational." To be "sensational," one must have an imagination. To exercise the imagination, one must assume facts and build theories. In California it is considered necessary to exercise the imagination. The coldest thing in reasoning is this: that which is not a fact is a falsehood. There is no intermediate ground, no average. Consequently, a theory is a falsehood until it is established as fact. It is dangerous to publish theories where grave interests are involved. Perhaps the most sacred thing on earth is woman's honor; the next, human life. When the one is threatened, humanity revolts; when the other, nature is outraged. When by vague hints and surmises, and by wallowing in the blood that flows with crime, we conjure up visions of the

lamp-post and a rope, we rob Justice of her balance, leaving her only the sword.

San José is a sleepy town, but it never takes a healthful sleep and wakes refreshed. It sleeps, quite truly, but with one eye open. This is done for fear a neighbor may do that which will pass unnoticed, in the dread that a scandal or a sensation may be overlooked. Likewise has San José some thrift. As an evidence of this, it is merely necessary to mention the fact that the noise of carriage-wheels may be heard at all hours of the night. It is not large enough to be a city, nor small enough to be a town. Being thus, it has nevertheless within its boundaries a peculiarly cosmopolitan population, in which the best and the worst elements of society may be found. In the former originate the scandals; in the latter, the sensations. Thus it furnishes within itself an almost endless round of pleasurable excitement, in which the flavor of the wine is mingled with the madness that it brings. Throughout the length and breadth of California, San José is the most delightful spot in which to live. Why should it not be? There is not a finer climate in the world; it has the College of Notre Dame, handsome church edifices, and the Normal School; the Alameda is the grandest drive west of the Rocky Mountains; and San José has the prettiest flowers and the handsomest ladies in all the State.

Crime has not been uncommon in San José. The Spanish bagnios of El Dorado Street, in days gone by, have seen more than one man put a knife into another's back, and the shadows that still darken San Pedro Street have their gloom intensified by the memories that linger there. But in the crime of the 20th of June, as the public understood it, there was that which stanchd the blood that flowed in El Dorado Street, and threw a pall over the shadows of San Pedro. There was that in it which stirred stern natures and frightened the weak. It was that a strong man, in the full glow of youthful manhood, had confessed that he took the life of a girl. It was not unnatural that her dead

body was sanctified by the tear that trembled in some mother's eye, and that for a shroud she wore the pity of the world. The manner of murdering her, it was thought, was so cruel, so heartless, so without the least element of manly strength and dignity, so degrading to the sterner stuff of which men are made, that it is no wonder a dangerous feeling commenced to grow.

When the great bell in the tower of St. Joseph's called the devout to early mass, there were already groups of men here and there, eagerly—some angrily—talking, and hopelessly hailing every passer-by for later news. Every man relied upon his neighbor, as is the case when a great calamity has fallen, or is about to fall. Strong natures thus crop out, and they are generally dangerous, but always welcome. Men demand a reliance upon something.

Casserly was at his post, not having slept, and busy arranging his plans. He had started the telegraph, and was determined that the fugitive, who carried justice with her, having kidnapped it, should be caught. Fearing another escape, he had put the mother under arrest, leaving her in the custody of an officer, by the body of her dead charge.

About ten o'clock, a citizen went to him at the police station, and desired to speak to him privately, there being a curious crowd in the room. Casserly followed him out.

"You had better keep an eye on the corner of First and Santa Clara," said the man.

"Why?"

"A considerable crowd is down there."

"Well, what of it?"

"Go and see."

The Chief went instantly. Arriving there, he found about a hundred men eagerly listening to a speech by a half drunken, tolerably well dressed man, talking half good-naturedly, half fiercely. The crowd was swelling rapidly. The Chief, seeing no occasion for his interfering, and curious to learn what the man was saying, stopped at the outskirts of the crowd and listened.

"I'll tell you what we did then," the man was saying. "As soon as the news was pretty well spread, we scattered handbills, calling for a mass meeting at twelve o'clock noon. In response to the call every store in Mobile was closed, and all the cotton brokers, commission merchants, and wholesale dealers turned out. We were five thousand strong. And we meant business. Then what did we do? Did we stand around with our mouths open and our hands in our pockets?—and snivel?—and cry?—and slink about like so many hounds? No, sir. The law can be outwitted, but the people never. When we open the jail-door, we give crime a relish of danger. Why was there a ne-

cessity for a Vigilance Committee in San Francisco? Because the law had failed. Very well. Then what did we do in Mobile? One man mounted a box, and made a speech that set them all on fire. They cried out with one voice, 'On to the City Hall!' But the Mayor had foreseen trouble, and had called out the militia. There were five splendid companies. By the time the crowd swarmed into Conti Street, thicker than bees and more hungry than wolves, the militia was drawn up in front of the City Hall with 'present arms' and bayonets fixed. The Mayor showed himself at an upper window of the City Hall, and shouted, and waved his hand, and made the crowd halt. Then he made a speech, insisting that the law should be allowed to take its course. But Conti Street is narrow; and the crowd continued to pour in from Royal, thirsting to be revenged for this outrage on humanity, and crowding onward those who had halted. At length the crowd stopped in front of the soldiers, densely packed. Then some man threw a stone; it struck the wall of the City Hall, and fell to the ground. The moment that followed was terribly quiet. Then another stone was thrown, and another. What happened then? A strange thing. You should know what it was. The order was given the soldiers to charge. They did charge, but they slipped their bayonets between the men of the mob, and nobody received a scratch. Not a shot was fired, not a bayonet-thrust was given. Do you think a soldier, with a spark of manhood in his heart, would have injured a hair of their heads? The crowd closed into the gap the soldiers had left, stormed the jail, and in less than thirty minutes our man was swinging to a tree. That is the way in which it should be done. But you are pale, and white-livered——"

His speech was suddenly checked by a powerful hand on his throat. In another moment, before even his instinct of self-defense could operate, he was thrown to the ground and quickly secured with handcuffs. Grasping the tendency of the speaker's words, Casserly had pushed his way through the crowd and seized his man.

Casserly was a man of prodigious strength. He was six feet in height, and large and brawny—a Hercules. Prior to his advent in San José a year or two before his election to the office of Chief of Police, he was a boxing teacher in San Francisco. It was not known, however, that he possessed unusual strength and courage until the following remarkable occurrence rendered him conspicuous:

One evening, during a public speaking on Santa Clara Street, he was standing, with oth-

ers, on a large box, the better to overlook the immense crowd and know how to act in case of a disturbance between political enemies. His head was thus brought within about two feet of an awning overhead, which was crowded with women. This awning was braced by iron rods, running horizontally from the outer edge to the wall. Some one suddenly exclaimed, in dismay:

"The awning is coming down!"

A glance showed Casserly that the rods were bending downward. The crowd fled from underneath, and a cry of terror arose. The box on which Casserly was standing was deserted, with the exception of one man. The glare of the torches revealed his face and form to the horrified gaze of the crowd. It was Casserly. Squaring his massive shoulders and bracing his powerful arms, he received the tremendous weight of the awning, and the women were saved.

Thereafter Casserly's strength and fearlessness were known; and there was considerable consternation in the incipient mob that witnessed his summary procedure with the man who sought to stir up bad blood by telling of the riot in Mobile. But this feeling gave place to anger. Some said:

"He had no business to interfere."

Others: "He's too fresh, anyhow."

And again: "Come on. We'll see fair play."

As Casserly rose to his feet, dragging the man up with him, he saw at a glance that the still rapidly increasing crowd was growing menacing. This roused the lion in him. He was a man to whom fear was absolutely a stranger. Holding his prisoner by the collar with his left hand, and pushing him as he would a feather, he backed to the wall, his eyes glaring and his nostrils distended.

Since Casserly assumed charge of the police department, he had shown an iron hand to the thugs and bravos who made El Dorado Street the stronghold of all the horse-thieves, highwaymen, and cutthroats, who had at intervals infested the greater part of the region between Los Angeles and San Francisco. He had already sent several to San Quentin, and the others feared him. Consequently, when this crowd, in which were many burning for an opportunity to take him at a disadvantage, saw that he was surrounded by a mob requiring little to render it dangerous, and that he was comparatively powerless, it spurred on the excitable and vindictive.

He was too wise to turn his back upon them. There is nothing keener or quicker than a Spaniard's knife. He recognized several friends in the crowd, and called on them for help; but

they looked away, pretending not to hear—for Casserly represented the law, which might miscarry, and which was therefore looked on with disfavor. The crowd became insulting and aggressive, intimating that he had been bribed to protect the murderer. This caused him to turn a shade pale. At length, a brawny drayman suddenly seized Casserly's prisoner by the left arm, and by a violent jerk attempted to wrest him from Casserly's grasp. The effort failed, and with a blow between the eyes, powerful and quick, Casserly sent the drayman staggering back into the arms of his friends. This was the signal for the outbreak. The open space of some half a dozen feet between Casserly and the crowd was invaded. Casserly drew his club, and delivered a crushing blow upon an uplifted hand that carried a knife. This checked the crowd, and Casserly sounded his whistle. There is something appalling in the shrill sound of a police whistle. It is always a surprise, and sends a thrill through every fiber of the person more surely than does the warning of a rattlesnake. It is the voice of the law crying out for help against violence. The crowd fell back and melted away.

On the way to the city prison Casserly said to his man:

"I saved you from San Quentin."

"How?"

"By stopping you before you said too much."

The man hung his head in shame. Casserly won a friend.

But the popular thirst for revenge was not quenched. Rumors multiplied, and Howard was charged with nameless and revolting crimes in connection with the murder.

After locking his man in a cell, Casserly again went out upon the street. He was met near the door by an old man, who walked with a cane, and whose manner betrayed excitement. It was Judge Simon.

"Casserly," he said, "do you know what is going on?"

"I think it's not serious."

"Casserly! Are you blind?"

"No, Judge."

"Well, then, you *must* see that—"

"What?"

"—the people are rising!"

This brought Casserly face to face with the dreadful fact. He felt the blood tingling in his arms and hands. The weight of a world was on his shoulders, but he said, calmly:

"I will put them down."

He was the embodiment of the law, the fortress that guarded the inviolability of the Code. His body should stem the flood that threatened to sweep away the demarkations between out-

lawry and the sanctity of right. Like an oak that reared its head proudly when the sky was black with the gathering storm, he would stand proudly still, though torn from branch to trunk by the lightnings and dismembered by the winds. This one man against thousands felt in his right arm the strength of a legion, and said:

"I will put them down."

The manner in which he said this strangely reversed the relations between him and the old judge. He was a man of nerve; the other, a man of brain. The man who was helpless last night is master to-day.

Casserly led the old man into the office, sat down at the desk, reflected a moment, and asked:

"How do you word it, Judge?"

"Word what, Chief?"

It was no longer "Casserly," but "Chief."

Casserly paid no attention to the question, but wrote the following:

"OFFICE OF CHIEF OF POLICE, }
San José, Cal., June 21, 1880. }

"CAPTAIN HARVEY:—There is mischief on foot. They want to lynch young Howard. The Mayor is out of town. It is urgent that you quietly and immediately order your men to the armory. Will see you there.

"CASSERLY."

He sealed the note, and sent it by a messenger, with instructions to hasten.

"What was it, Chief?" asked Judge Simon.

"A call for the militia."

"Ah!"

He left the office, the old man following.

"What are you going to do now, Chief?"

"Strengthen the police force, and get the Sheriff to double his deputies."

"Ah!"

The two men had reached the corner of Santa Clara Street, when they were hailed by a man running toward them from the direction of El Dorado. He was about forty years of age, tall and gaunt, and dressed in clothes that were too short at the ankles and wrists. The bottom of his vest lacked some three inches of reaching the top of his pantaloons, and his suspenders were thus rendered conspicuous. His clothes were old, faded, and greasy. His arms and legs were very long. His neck was also of remarkable length; and his narrow, rounded shoulders, and his general appearance of being all neck, and legs, and arms, and hands, and feet gave him the aspect of a crane. As he ran, his legs flew promiscuously about, like the arms of a reaper. His face was long and narrow, and his eyes were small, and greatly sunken and crossed. Altogether, he looked villain-

ous. He said to the Chief, with half closed eyes, and an air of portentous mystery:

"Things is bilin'."

"Yes?"

"You bet!"

"Where?"

"Right 'round El D'rader, thar, 'most to First."

Casserly betrayed no concern. "Sam," he said, coolly, "I advise you to go home."

"Why?"

"Because you might kill somebody, and that would start the whole thing."

The man vainly endeavored to conceal his pride, and, in a mysterious half whisper, said:

"'Feard it's too late, Chief."

"Why?"

"Look-a-here," he said, showing a cut in his vest.

"How did you get it?"

"A feller down thar, bigger'n what you are, any day in the week, was a-preachin' hangin' to the crowd, and I collared him, an' tol' him he was my pris'ner, when he outs with a knife and lets me have it here. But it wouldn't work on me—don't you forget it! I'm too old for thet kind of a racket, and I knocked it off this way, and then I put it to him as hard as I could send it with this!" Saying which, he drew a dirk-knife from a sheath. It was stained with blood.

The poor old Judge was so frightened at the ferocity of the man that he cautiously put Casserly between himself and possible danger, looking painfully anxious.

Casserly asked no more questions, and simply gave this strange advice:

"As you've started, Sam, you can kill a few more; it will help me out."

"I'll stay by you, Chief," and the man ambled away.

The old man asked:

"Who is that, Chief?"

"Sam Wilson."

"Rather dangerous character, isn't he?" the Judge asked, in a *nonchalant* manner, as if he were vastly accustomed to being thrown in contact with such dangerous men, and knew that they were harmless fellows—first-rate fellows, in fact—provided one knew how to manage them.

Casserly laughed.

"Don't you believe he did it, Chief?"

"No."

"Why?"

"Because I know him."

"You don't mean to say he's not a bad man, do you?"

"Yes."

The Judge was chagrined. Nevertheless, it was not until some time afterward, when he was surrounded by less exciting circumstances, that he realized the fact that he had made a mistake in reading character. Not yet entirely satisfied, he asked:

"Who is he?"

The laconic answer was:

"A chronic."

"But his vest was cut."

"He did it himself."

"And his knife was bloody."

"He stabbed a quarter of beef at a butcher's stall."

But "The Crane"—for that was his common appellation—was half right. The mob was gathering; and it was he who, by his exaggerations, and goings from one crowd to another, kept the fire burning.

CHAPTER IV.

The Coroner, having early Saturday morning received notification of the death, proceeded to the house about ten o'clock. He went alone. Idlers passed the house, gazing at it curiously, seeing nothing. The door and windows were closed. It was an unpretentious modern dwelling, two stories high, with a bay-window below, and another above, and a window and a small portico over the entrance. There are hundreds of such houses in San José. The sidewalk was shaded by a row of stately elms that extended the length of the block.

The approach of the Coroner sent a ripple of excitement through the crowd of idlers. The fire that was kindling in the heart of the city threw, as yet, no gleam there. When the Coroner arrived at the gate, he found himself a Stork wielding the scepter in a kingdom of Frogs, or a brevetted gnome at the head of an army of ghouls. Never before had he appeared so important in the eyes of the community.

One of the most prominent features of the prevailing popular sentiment in regard to the tragedy was the readiness to seize upon anything, whether fact or conjecture, that tended to throw light on the transaction. Then it is that the Coroner is of vast assistance to the newspapers. When the actors in such affairs are known, every detail of their history is analyzed with avidity. There is something tangible, which, however obscure, reveals more or less under the microscope of a great hunger for knowledge. But in this case the parties were strangers. They had moved to San José only a few days before, and had hardly been seen.

That neighborly feeling which prompts a community to receive a respectable stranger, and which it shall not be intimated is tintured with curiosity, had not exhibited itself. There had been no callers. No one knew of a skeleton in the closet. The desire, then, to learn more of the inmates of the house, and, above all, to arrive at the cause of the murder, amounted almost to frenzy. Those acquainted with the characteristics of a Californian mob will not think this statement is exaggerated.

Knowing the demand of the public for all attainable knowledge, the Coroner, always an important person on such occasions, was determined that he would unearth the mystery, so far as lay officially in his power, and receive the credit therefor. Thus he became auxiliary to Casserly. When he found, then, that a reporter awaited him at the gate, he felt that it was an attempt to wrest away his privileges.

"Doctor," said the young man to the Coroner, "the policeman refuses to admit me—the fool! He can't deny you. I will go in with you."

"Well, let me see," replied the Coroner. "He has orders from Casserly, I guess. I think it will be better for me to go in alone. She will talk more freely; and I can tell you everything I see and hear."

But the reporter, fully aware of the fact that no one can see and hear as well as a reporter, demurred. The Coroner insisted politely, urging his point—a good one—and the young man yielded. He knew there would be other opportunities.

The Coroner was named Garratt. He was short and stout, and had a round face and small eyes. He was as pompous as short and stout officials—who have round faces and small eyes usually are. He rang the bell. A heavy step was heard descending the stairs. The door was unlocked and cautiously opened an inch or two, bringing to view one eye of the policeman. Then it was opened a little wider, and the other eye became visible.

"Good morning, Doctor. Come in."

"How're you? Anything new?"

"No."

"Where is the body?"

"Up stairs."

The two entered, and the door was again locked.

"Wait a minute," said Garratt. "Who's got the undertaking job?"

"Nobody."

Garratt drew a commission on such things.

"Is it laid out?"

"Yes."

"Who dressed it?"

"The old woman."

"That looks bad. She had no right to until the jury saw it. When did she do it?"

"Fore I came in."

"All alone?"

"All alone."

"Looks very bad. Too much hurry."

The policeman's manner was in striking contrast with that of Garratt's. The former was serious; the latter, nervous and bustling. The policeman was fully accustomed to death and crime, but possessed that fine natural feeling of discrimination that told him the people with whom he had to deal were not ordinary. His manner showed respect, and some awe.

"Has nobody been here?"

"Two or three ladies wanted to get in, but I wouldn't let 'em."

"That's right."

"She wants to send for a Presbyterian minister, but there was nobody to go."

"No servant?"

"No."

"You might have got some one outside to go, but you did right. I will send now."

He opened the door, called one of the loungers he knew and sent him on the errand. Then the two went up-stairs.

There were four rooms on the second floor—two in front and two in the rear, with a hall the length of the latter, and between them. Each room had a door opening upon this hall. The doors were all closed. The policeman rapped softly at the first door on the left, and a woman's voice said:

"Come in."

He turned the knob carefully, as if afraid of waking some one, and opened the door in apparent dread that the hinges would creak. They entered.

It was a bed-chamber, neatly and almost elegantly furnished. There was a door communicating with the front room, which was also well furnished. The two windows of the rear room were open, and the fresh, sweet, bright morning sunlight flooded the room. Evidently it was a man's bed-room. The front room was a woman's. In the further corner of the room into which the Coroner was introduced, and to the left, with the head against the partition wall, was a bed, and on this bed was something entirely covered with a sheet. Sitting upright near the bed, and opposite the open communicating door, calm, proud, self-possessed, and extremely pale, was a woman of singular beauty. Her deathly pallor was rendered more striking by the black she wore. Seeing a stranger with the policeman, she rose with the air of a queen. She seemed to recognize

instinctively in this stranger an enemy. She was about forty-five years of age, somewhat above the medium height of women, moderately slender, but having full shoulders and a well rounded form. Her black hair was tinged with gray. The classic beauty of her face, the imperious dignity and the refined grace that accompanied every movement, the consciousness of power shown by her dark eyes, the calmness, the self-reliance, the courage, showed at once that she had descended from the Huguenots, and that her blood was blue. Her complexion was fair, her hands small. Her appearance gave evidence of the highest refinement, and of that large-hearted aristocracy that may yet be found in South Carolina and Virginia, but which is trampled down, lost, and forgotten in the jostling crowds that, covered with sweat, mount the golden stair of our Californian society.

"Mrs. Howard," said the policeman, awkwardly and embarrassed, "this is Dr. Garratt, the Coroner."

She bowed, and said, "I presume, sir, that you have come to hold the inquest."

"Not yet, madam; not yet. Haven't summoned the jury yet. Just came around to see how things are. Is that it?" he asked, nodding toward the bed and twirling his hat. His tone was heartless and harsh.

"Yes," she answered, and added, "will you be seated?"

The Coroner felt his brusqueness and inferiority. He sat down. She resumed her seat, and asked:

"Is it absolutely necessary to hold an inquest, Dr. Garratt?"

"Certainly, madam."

"I thought—I was thinking—that perhaps—"

"Well, madam?"

"—that by not holding the inquest it might be kept out of the papers."

"It is too late."

"Why?" she asked, quickly and anxiously.

"The papers are full of it."

This was a cruel blow. The woman's cheek mantled with shame.

"Already?" she asked, in a bitter tone.

"Yes, madam; here is the paper."

She received it with a hand that slightly trembled, adjusted a pair of gold eye-glasses that unsteadily reflected the light from the window, and proceeded to read. But she had undertaken more than she could accomplish; for at reading the startling head-lines her sight became dim, and she could not hold the paper firmly.

"Will you read it to me, sir?" she asked Garratt, handing him the paper.

He took it, intensely gratified, cleared his throat, and in a loud tone, cruelly emphasizing the words that ground into her heart, read the account. Every word burned as would a red-hot iron thrust into the flesh. Crushed though she was, there appeared her strong nature flashing angrily from her eyes. Every known detail was set forth—the circumstances immediately following the shot, as heard by the man and woman; the crime, so enormous and revolting, that, as a dispensation, heaven made the criminal to be his own accuser; his besotted and brutish condition; the flight of the girl, and the consequent evidence of an outcropping of natural and inherited proneness to crime; the arraignment before the people of the perpetrator, and of all who abetted him, or endeavored to shield him, or throw a stumbling-block in the path of justice; surmises, theories, and speculations; broad hints that summary measures should be adopted to prevent the cutting of so wide a swath of crime through a peaceful community—all cruel, all degrading, all prompted by the relish that it brings to tear out a human heart and feed it to the mob. When he had finished he looked up, and saw that her head was bowed.

"Is it all true, madam?"

This question acted slowly, but surely, like poison. Gradually recovering herself, she raised her eyes to his face. Her bosom heaved, and a tinge of color appeared in her cheeks. She rose to her feet, her face pinched, the muscles drawn, and the same dangerous look that her son had shown in the saloon flashing from her eyes.

"It is—*false*—sir!" she said in a low voice that faltered with emotion. "It is *false*—and, more—it is—*cowardly*!"

Instinctively Garratt rose nervously, and stepped back, his eyes fastened upon hers, which riveted his gaze. Then with a powerful effort she checked herself, turned away, passed into the adjoining room, turned the blind, and looked out. She remained thus a moment, and came back, her step growing unsteady as she reached the chair. However, she did not sit down, but stood against the bed, and with a trembling hand reached to pull down the sheet. But she broke down without disturbing it, withdrew her hand, staggered half backward, fell into her chair, covered her face with her hands, and burst into tears. Her heart was broken.

Still, she had a great work to perform, and the recurrence of a knowledge of it calmed and restored her. After the outburst her manner was entirely changed. The womanly grace, dignity, and tenderness reasserted themselves, but there was no trace of haughtiness. She

decided upon a plan. "Doctor," she asked, "how were those presumed facts learned?—or do you know?"

"Oh, yes, madam," replied Garratt, his confidence in himself restored; "the greater part was learned from the officers." The policeman winced, and looked guilty. Mrs. Howard spared him by not looking his way.

"And then," continued Garratt, "there is a sameness running through crime that makes certain assertions always very near the truth."

There was a concealed insult in this, and the woman quickly detected it. "I would like to see the man who wrote it," she said.

"Why?"

"Because he wrote blindly."

"Well, then, if he is wrong, the courts will set you right."

"As I understand it, Doctor, there are some wrongs which the courts cannot rectify."

"Perhaps so—perhaps so."

The policeman had, during this conversation, sat uneasy, and finally said, in an apologetic tone, "There's a newspaper man at the gate."

Garratt darted a look through him. Mrs. Howard noticed it. Turning to the policeman, she said:

"Will you be kind enough to call him up?" and to Garratt, as the officer left without venturing another look toward him, "You officers hunt for crime. Newspapers seek, or should seek, to find the truth."

Garratt bowed, and smiled grimly. Mrs. Howard received the reporter so graciously that he was instantly at his ease, and he saw that he had to deal with a woman of superior intellect, intelligence, and tact. He explained that he had written the article; did so conscientiously, with the information he could procure; regretted that he had been unable, through her own and Casserly's refusal to permit an interview with her, to obtain her version.

"I see," she said, sadly. "I will now do all I can to assist you, and will give you all necessary information. You performed your duty, and I respect you for it. Come, and look at her," she said, going to the bed.

He stood beside her, as, with a firm hand, she entirely removed the sheet. It was a picture of rare beauty and sadness—a young girl, waylaid and strangled by Death on the high road to a future life that should have been full of years ripe with happiness; at the time when the sky should have been blue, and the air redolent with the perfume of flowers; when the storm should have passed mercifully over the lowly violet, and when the terrors of the Great Unknown should not have blanched the youthful glow that reflected the radiance of heaven.

She was arrayed in pure white. The face was mobile, and sadly sweet, betraying no indications of the death-pang. They all gathered around, awed and silent. Mrs. Howard, speaking in a low voice that might have touched a spring in the hardest heart, said:

"Her name was Rose Howard—a distant relative of my husband. He adopted her when she was quite a child, her parents having died. She was a gentle, sweet, unselfish girl; and I loved her as one of my own children."

She covered the body. She had gained a point—the reporter's heart was softened.

"The girl who left last night is named Emily Randolph. Her parents live in Ohio, and they sent her to me several months ago, for the benefit of the Californian climate. It was feared she had consumption. I lived in San Francisco until a few days since. As she did not improve in the harsh climate of that city, I came here to find a better. She is rather a nervous, weak child, and it was dangerous to allow her to remain during this terrible time. The manner in which I sent her away I am aware looks as if she knows something that I desire she should not tell. But I would not have her carried through the ordeal that I knew would be forced upon her, for her life is in my charge; and I knew that she would not be allowed to leave. If I disclose her whereabouts—even if I knew—she would be brought back; and I am unwilling that she, too, should follow this poor child to the grave."

Mrs. Howard ceased. Very little had been learned, and the reporter delicately waited until she should say more. Suddenly she became attentive to a faint sound from a distance, that floated through the open window. The men had not noticed it.

"What is that?" she asked.

"Where?" asked Garratt.

She went to the window, and looked out. People were running toward the city. The

octopus was drawing in its gigantic arms to concentrate its strength somewhere. Leaving this window, she went hurriedly and nervously to the window of the front room, threw open the blind, raised the sash, and leaned far out, straining her eyes to see, if possible, what was the cause of the commotion. She was filled with an indefinable dread. Presently a man came hurrying along the sidewalk beneath the window. "What is the matter?" she asked him.

He halted, looked around for the voice, and discovered her.

"Haven't you heard?" he asked.

"What?"

"Of the murder?"

She was becoming sick and faint. She asked, "What are the people running for?"

"To see the fun."

"What is it?" she asked, breathlessly.

"Do you hear that noise?"

"Yes."

"That's the mob."

"Well, what then?"

"They are going to break open the jail, and take the cowardly murderer out, and hang him as high as Haman." And the man hurried on.

That was all. She stood petrified with terror. Then did the grand old heroism that warmed her blood break forth in all its splendor. She would throttle this giant who thirsted for the blood of her son, though he should be as strong as a hurricane, and as relentless as death. She sprang through the door, her look terrible. The policeman intercepted her as she made for the stair. She shook him off, exclaiming:

"I will save my boy!"

The bulldog of the law had said, "I will put them down;" the mother said, "I will save my boy."

She hurried down the stairs, opened the door eagerly, gained the street, and flew like the wind.

W. C. MORROW.

CONTINUED IN NEXT NUMBER.]

AN AUTUMN DAY.

The earth lies wrapped in peace; upon her brow
The laurels of the fruitful year are pressed;
Triumphant and elate still seems she now,
As one who glad, yet weary, dreams of rest.

The sun, his useful ardor wisely spent,
Floods all the day with tender, mellow light,
That crowns, with smiling, well deserved content,
Sere reaped meadows and gay wooded hight.

OPPORTUNITY.

This I saw once, or dreamed it in a dream:—
 A child had strayed from out the palace gate
 Far up a meadow slope, led on and on
 By butterflies, or floating thistle-down,
 Till now he played close on a precipice,
 And stretched to reach the rolling globes of down
 As they sailed out across the dizzy gorge.
 A laggard saw him from the distant road,
 And thought, "No use for me to go—too late:
 Had I but seen him ere he reached the verge,
 Or if it had been yesterday—just there
 I stood, and flew my goshawk: 'tis too late."
 He twirled his scarf, sighed, hummed a foolish tune,
 And turned, pitying himself without a chance
 For great emprise, and idled on his way.
 A whole hour passed: the daughter of the king
 Suddenly saw the boy, still at his play,
 (For every blue-eyed flower had smiled its best,
 And beckoned, nodding to him, to hold him back),
 And flew and saved him, clasped upon her heart.

And this I saw, or dreamed it in a dream:—
 There spread a cloud of dust along a plain;
 And underneath the cloud, or in it, raged
 A furious battle, and men yelled, and swords
 Shocked upon swords and shields. A prince's banner
 Wavered, then staggered backward, hemmed by foes.
 A craven hung along the battle's edge,
 And thought, "Had I a sword of keener steel—
 That blue blade that the king's son bears,—but this
 Blunt thing—!" he snapt and flung it from his hand,
 And lowering crept away and left the field.
 Then came the king's son, wounded, sore bestead,
 And weaponless, and saw the broken sword,
 And ran and snatched it, and with battle-shout
 Lifted afresh he hewed his enemy down,
 And saved a great cause that heroic day.

E. R. SILL.

A STRANGE CONFESSION.

CHAPTER V.

It has already been stated that the jail is in the rear of the court-house. The south wall is a few feet farther south than the line of the corresponding wall of the court-house. This is the strongest county prison in the State, and is so situated as to be rendered a fortress almost im-

penetrable, if due precaution is exercised. It is approached by a passage-way some thirty feet wide, between the court-house and the St. James Hotel. On the north side of the court-house is a narrower passage. Running out in a straight line from the rear wall of the court-house to a fence inclosing the back-yard of the hotel, is a wooden wall, close planked and about

twelve feet high. It extends in a similar manner northward from the court-house, thus barring on both sides the only approaches there are to the jail. Behind this wall is the outer yard of the jail. In the wall north of the court-house is a large double door, seldom opened. The approach to it is rarely used. The wall on the south (next the hotel) has two doors—one, rather small, for persons, and the other for wagons. The prisoners are never admitted into the outer yard, for the wall inclosing it could not have been intended to afford security of any kind, unless to prevent the passing of anything through the grated windows of the jail by persons outside.

The inner court of the jail, in which the kitchen and pump are situated, and where the prisoners are frequently admitted to find sunlight, is upon the north side of the jail, and is surrounded by a high brick wall. The eastern wall of this court faces the rear of the court-house, and the western wall forms one of the four sides of the Big Tank.

There are four entrances to the jail confines—the main entrance, through a hall that leads to the jailer's office; a door on the south side, opening into the jailer's apartments; a heavy iron door that communicates between the inner court and the outer yard; and another that is never used, and the existence of which is known to but few. This door fills an important part in this history.

Criminals held for minor offenses, and women, and insane persons awaiting examination by the Commission of Lunacy, are placed in the large, well aired compartments in the second and third stories. Those charged with or found guilty of graver crimes are placed in one or the other of the two divisions of the Tank. This latter is a prison of remarkable strength. It is divided into two compartments—the Little Tank and the Big Tank—separated from each other by a wall about thirty feet high, that reaches a roof lighted through corrugated glass set in iron. The walls surrounding the whole are made of brick, and are thick and massive. Imbedded in the center of the walls, and running their entire length and height, is a network of heavy iron bars, crossed and riveted. It would require a persistent bombardment with artillery to demolish such a wall; for, if the brick should be thrown down, the iron would stand.

Both the Little Tank and the Big Tank are arranged on the same plan. The former contains four cells, and the latter, fifteen. The description of one will apply to the other, with the exception of this difference in the number of cells. Those under charge of murder, horse-

thieving, or rape are assigned to the Little Tank. The four cells in this are in two rows, back to back, the rows being separated by a narrow passage (for ventilation and drainage), strongly grated above and at either end. The cells are eight feet by nine, seven and a half feet high, and are covered with heavy granite slabs. In the rear wall of each is a small grating, to admit air. The doors are made of heavy plate-iron, doubled and securely riveted. In the upper part of each door is a small wicket, that closes with an iron shutter opening outward and barred on the exterior. Sometimes a prisoner is favored by being allowed to attach a string to this shutter, that he may close it at his will. When once closed, he can not open it. Surrounding the group of cells is a wide passage. Prisoners are generally permitted to exercise in this area, but are always locked in their cells at five o'clock in the afternoon, when supper is served.

Each Tank has a door communicating with the jailer's office. These doors are secured by a heavy grating that opens inward upon the Tank, and a solid plate-iron door that opens into the office. Neither Tank has a window.

In the arrangement of this costly and secure prison there is a single defect—another door in the Little Tank, a superfluous and unnecessary thing. This is the door that is never used. The wooden wall that blocks the entrance to the outer yard of the jail is but a portion of a wall that runs almost entirely around the jail, Tanks, and court, the only discontinuation of it being the court-house wall.

The court-house and jail run back in the direction of Market Street about half the depth of the block. The wooden wall behind the jail forms the rear inclosing fence of several yards, belonging to cottages facing on Market Street.

One more fact must be mentioned as showing the absurdity of an attack upon the jail. The court-house is two stories in height. To each story there are eight windows looking down upon the approaches to the jail. These windows are provided with iron shutters. Four men, armed with rifles, could have been stationed at each of the thirty-two windows. Furthermore, the windows of the St. James Hotel could have been similarly filled with men; and in addition to all this, armed defenders could have occupied the windows of the jail that peered over the wall, and could have swarmed behind the parapet of the jail.

Taking all these facts into consideration, it is not idle to assert that it would have required extraordinary strength and determination to make the jail disgorge in open fight.

But there was another way of doing it.

CHAPTER VI.

Where the common rabble, armed with stones and axes, will succumb to organized resistance, the cool foresight and calm resolution of the better element, when it engages with the rabble in the accomplishing of a purpose, presents an appalling picture. The latter uses the former as a tool. There is a twinge of conscience, a nervousness resulting from revolting manhood, that causes the finger to tremble which pulls the trigger on a dauntless breast, actuated in design by an honest desire to make crime a terror—to invest it with horrors that the scaffold renders comparatively tame. Summary punishment is more effective as example than that born of the slow incubation of the law. The law is the servant of society. As such, it may be betrayed, cheated, bribed. This is a possibility inseparable from a condition of servitude. The master lays down rules by which the servant is to be guided. When great urgency is required, he thrusts the servant aside and does the work himself, because it is his own affair, concerning him vitally.

The officers of the law had, on this occasion, arrayed against them a far more dangerous element than bravery. It was cunning. They did not dream of that; for who ever knew a mob that displayed cunning! It is a flood, rushing blindly on, crushing, drowning, sweeping away, until stopped and hurled back upon itself by a mountain; depending alone upon its momentum.

It was about noon that Casserly found himself powerless. He was compelled to admit it. With that self-consciousness of superior power that raises up a commander, Casserly felt his strength, and assumed control of the defense. It is true that the Sheriff was the proper guardian of the jail; but, though a man of sufficient nerve for ordinary occasions, he was inferior to Casserly in qualifications for generalship. He cheerfully, therefore, placed himself and his twenty deputies at Casserly's command. The captain of the military company did not even ask a question as to Casserly's authority when ordered to guard the approaches to the jail.

Casserly had attempted to disperse a second mass-meeting, held at the corner of First and Santa Clara Streets. He knew that many were armed. Indignation and excitement ran at a high pitch, increasing with the mob. Casserly burst into this crowd, scattered the men right and left, and plowed his way through the stormy sea of humanity, ordering the rioters to leave. But it had no effect. Not a hand was laid upon

him, for he was feared. He pushed a speaker from a box, and mounted it.

"Go to your homes!" he shouted. "I promise you that Howard shall receive the full penalty of the law. What are you about to do? Are you devils, or men? If there's a brave man in this crowd, I challenge him to mount this box and stand beside me, my companion in the preservation of the peace."

Not a man moved. All remained sullen.

"Then, if you are cowards, there may be some honest men among you. I will give the first honest man one minute to start for his home."

He held his watch in his hand. A half minute rolled by. No one stirred.

"A half minute has gone."

The second-hand rapidly marked thirty seconds more. Still no one moved.

"You are a set of cowards and outlaws. In five minutes I will charge you with the militia, twenty sheriffs, and thirty policemen. I give you fair warning. There's not a blank cartridge in the lot."

This caused a howl of mingled curses and hisses to rise from the mob. Casserly's position was perilous. He choked down his choler and chagrin, descended from the box, and slipped away.

Then it was that Casserly saw he was powerless on the street. He would immediately concentrate at the jail, and, armed and intrenched, defy the mob, were it ten thousand strong.

During this time the unusually large force of policemen had not been idle. The majority were men who had never served in that capacity, and were, consequently, more zealous than prudent. They mingled with the mob in sets of four. Several times had they attempted the arrest of the more turbulent individuals of the riot, but as often were their prisoners rescued.

Shortly after Casserly left the box, two sharp taps of the fire-bell were heard. Every policeman suddenly disappeared. It was the signal to concentrate.

Then Casserly resorted to a ruse that deserved success. If he could introduce a sufficient counter excitement there was a possibility that by the time it should die away the spirit of outlawry would have had its back broken. He sent a man to a barn near Market Plaza, with instructions to fire it. The barn was dry and inflammable. In a short time dense volumes of smoke were seen in that quarter of the city. Market Plaza is about as far from Santa Clara Street on the south as is the jail on the north. The fire-alarm was sounded, and the engines tore noisily through the streets, deadening the clamor of the mob. There was a momentary

wavering of the crowd, and a few boys left for the scene of the fire, but the ruse failed; the mob could not be diverted from its object.

In his heart, Casserly did not wish to avert the attack. When he threatened a charge, it was far from his intention to make one, and thus precipitate a collision in which the law would be the aggressor. He felt perfectly secure; and it was only an over-estimate of his power that had led him into the error of thinking to intimidate the mob, and quell the riot in its incipency. His grounds for security were these: In addition to the militia (a company numbering some sixty men), the deputies, and the policemen, there were many volunteers, including nearly all the city and county officials; and the constables had multiplied themselves, after the manner of certain infusoria. In this way there were about three hundred men gathered together to protect the jail—all fully armed with rifles, shotguns, or revolvers. With the exception of a few blank-loaded guns held convenient, each barrel of every shotgun was loaded with three and a half drachms of powder and twenty buckshot—loaded to kill. At close range the shotgun is the most deadly of weapons. Suppose, then (reasoned Casserly), that by some improbable turn of events the mob, numbering nearly two thousand, should overpower the resistance, what would result? Nothing. The outer wall might be torn down, the jail might be invaded, but the impregnability of the Tank was an insurmountable obstacle. No axe, nor sledge-hammer, nor crowbar, nor file could effect an entrance to this stronghold. There would be no time to employ blasting-powder. But might not the jailer be robbed of his keys? Certainly not; for Casserly had taken charge of them, and concealed them. He had cause afterward to regret this, as the sequel will show. Thoughtful as he was, he could not foresee everything.

The mob soon found itself moving by impulse upon the jail. Strange to say, although it had no plan, no organization, it was controlled and sustained by a few stern men, who, by going hither and thither, assiduously aggravated the spirit of outlawry that animated nearly every breast. The mob had no plan, but it had an object—to take the prisoner from his cell, and hang him. This lack of preparation and organization was not accidental, as will presently appear.

The mob rolled along First Street toward the jail, with shouts, cries, and curses. It maintained solidity, as contact sustained courage. When it arrived at the court-house, everything seemed deserted, and nothing appeared to prevent a consummation of the deed. Neverthe-

less, a few knowing persons detected one suspicious circumstance. The great iron sliding-doors at the entrance to the court-house were drawn and barred. The thirty-two windows—and especially the sixteen on the side next the hotel—had their iron shutters nearly closed, leaving an opening only a few inches wide. Through these interstices nothing could be seen in the darkness of the interior. The building was wrapped in gloomy silence—an unusual occurrence, and one that boded danger.

All the attention of the mob was directed to the passage between the hotel and the court-house, for the reason that it was the wider and the first arrived at.

With the exception of a space of sufficient width to admit a carriage, there are chains stretched, from post to post, across the entrance to this passage. They were probably placed there to protect the grass and shrubbery occupying the ground not taken by the graveled drive. Now, that portion of the chain fence, always left open for carriages, was on this particular day closed. This fence was by no means a trifling obstacle to the mob. There were two chains, one below and the other above, the upper chain striking a man's leg just above the knee. The chains were not stretched taut, but hung rather loose, making a treacherous object over which to step, especially if the least haste should be exercised. The posts were large, and were sunk deep in the ground, which is paved with asphaltum, and the chains were strong.

The mob halted in front of the court-house, and endeavored to organize, but no leader showed himself. After some minutes of loud talking, and hurrying to and fro, about seventy men, armed with axes, formed in front of the fence of chains.

Then the great iron door opened sufficiently to permit one man to pass out. Casserly advanced alone and undaunted. He crossed the broad stone floor, shaded by the stately Corinthian columns of the piazza, descended the steps half way, and stood upon the granite landing there. He removed his hat, and raised his right hand high above his head, palm outward. This gesture and pose, in which respect was indicated by the bared head, and attention demanded by the uplifted arm, sent silence through the crowd.

"Men," said Casserly, his voice penetrating to the farthest limits of the densely packed throng, deep, powerful, and deliberate, "you are about to attempt...a deed...of violence and bloodshed. Are you...mad? You would...vindicate justice by...trampling it...under foot.

Leave the law . . . to take its course. I speak to you . . . as a friend. And I give . . . this . . . solemn . . . warning . . . once . . . and for all: That if you enter . . . that passage . . . the roof of yonder jail . . . and these sixteen windows . . . will pour down upon you . . . volleys of leaden death . . . that will strew the ground . . . with your . . . dead bodies . . . and render . . . your firesides desolate . . . and your children . . . fatherless. Heed that warning. Go quietly . . . to your homes. If you . . . disregard it . . . God have mercy . . . on you! I will do . . . my duty."

Having finished, he watched the effect. An awful silence followed.

At this moment, when the conflict might have been averted, and when order seemed about to be restored, a man was seen running along the street, bearing aloft a large piece of canvas, stretched upon a frame. The profound silence that prevailed allowed his voice to ring through the throng like a bell, as he shouted:

"Read! read! read!"

All eyes were turned upon him. The canvas bore this startling announcement, in large letters, daubed hastily with a marking-brush—coming from none knew what source, nor by whose authority:

*"At nine strokes
of the Fire-bell
Howard will be hanged."*

The man continued to shout: "At nine strokes he will be hanged! Read! read! At nine strokes! Hanged! hanged!"

What did it mean? Perhaps nothing. Men stared at it. Many shuddered. There stood the jail, and in it was the murderer. The mob had only this to do: to crush the shell, take out the kernel, and roast it. Perhaps the notice was intended to impart zest to the undertaking, to pour oil upon the fire that was threatened with being smothered by Casserly's broad hand. The man was surrounded.

"What do you mean?" was breathlessly asked by a hundred voices.

"Read! read!"

He said nothing else. Casserly's countenance betrayed the deepest astonishment. He stood as if petrified, yet his mind was actively searching the darkness for a solution of the mystery. It would have been utterly useless for him to attempt the capture of this man, who was buried and crushed by the crowd that packed around him.

While attention was thus diverted from Casserly, a man with a furtive, frightened look, panting, exhausted, and covered with perspiration, tunneled his way a short distance toward

Casserly. Finding that he could proceed no farther, he picked up a small stone, wrapped a narrow strip of paper around it, inclosed this in a larger piece, making the whole firm and solid, and threw the ball at Casserly. It struck one of the stone steps behind Casserly, and bounded to his feet. At first he thought it was a missile, but the fact that a paper ball should strike with such force attracted his attention, and he picked it up. He removed the outer covering, secured the narrow slip, and read the following, written hastily with a pencil:

"Keep them at bay thirty minutes longer. If necessary, give them a volley of blank cartridges. Above all, we warn you, in the name of the people, not to harm a hair of their heads. If they crowd past you, let them attack the jail; you know it can't be broken open. By that time we will come to your assistance.

"A HUNDRED CITIZENS."

Casserly was sore perplexed at the appearance of the mysterious notice; he was troubled at reading the note. He was in utter ignorance as to who was the sender, and why it was sent. His anxiety amounted almost to despair. Was it a trick? The jail certainly was strong enough to resist an attack; and, after all, it would be terrible to sacrifice human life in the manner contemplated by him. If it was a snare, what was to be gained? The note said, "It can't be broken open." No one was more fully aware of that fact than Casserly, and the strength of the jail was increased a hundred fold by Casserly's muskets.

He turned, and disappeared through the door, which closed behind him, swallowing him up. Then he reflected seriously. Perhaps the note came from friends, who were organizing; but why was no name signed? He saw that his position was a grave one. He resolved to follow the advice of the note to this extent: he would fire blank volleys, and, if that failed, he would occupy the windows in the rear of the courthouse, and with powder and ball prevent the demolition of the jail. For (he reasoned), admit that the man is deserving of death, is that a circumstance to be taken into account in this emergency? No. The grand idea, that preponderated against all others, was the prevention of an outrage upon the sanctity of the law. Casserly was a conscientious officer—if, in all truth, there is such a thing. There is no popular idea so erroneous as that an officer of the law is the servant of the people. He is the under-servant of the law, which is the real servant of the people. In other words, he is a bloodhound employed by the law. The law is just; it is the concentrated wisdom of ages. Sitting only in judgment, not in condemnation—search-

ing neither for crime nor for virtue, but waiting patiently until it shall be called upon to decide what is right and what is wrong—it scorns to be called by any other name than Justice. Between the law and its minister there is this difference: the law presumes innocence till guilt is proved; the officer acts on the presumption of guilt till innocence is established. The law is the theory; the officer is the practice. Why is this? The answer is simple: the law is wise, the officer is something less—he is merely human; the one has intelligence, the other a heart; the one is devoid of pride and vanity, the breast of the other rankles with these infirmities. The officer, being less honest than the law, betrays it to society and his own vanity. It is pride that leads him to seek conviction rather than justice. The modern district-attorney is the most striking example of this incongruity between the name and the thing, the idea and the reality. He draws his salary in the name of justice, but secretly looks upon it as blood-money. But the officer's aim is to hang according to law. In this lies his pride, and to this end will he exert his energies. Consequently, although he will preserve a malefactor from the jaws of a hungry mob, he will the next moment cheerfully adjust the hangman's noose under a proper judicial edict.

Some time was required to relieve the mob of the dampening effect of Casserly's terrible warning and the surprise of the mysterious notice, and it saw death lurking behind the iron shutters of the sixteen windows. The moments flew rapidly. The air seemed stifling with the sickening odor of warm blood. The advance was finally made upon the fence of chains. The upper front window was flung wide open, and Casserly again appeared to give a final warning; but before he had time to utter a word, a shot was fired from below, full at his breast. It was the first shot of the conflict. The ball struck that side of the double shutter that opened toward the jail, glanced upward, and buried itself in the window-casing, leaving an elongated grayish spot on the iron shutter. It had passed within six inches of Casserly's head. It was too late to say anything more. Casserly closed the shutter. The battle had opened.

The cowardly shot and Casserly's retreat had the effect of counteracting all hesitancy on the part of the mob, which yelled wildly, and which began to condense and to press forward. The men with axes occupied the front, but their ranks had been decimated by Casserly's impressive warning; their places, however, were immediately filled by men armed with all manner of strange weapons, snatched hastily here and there. The gradual rising of excitement

and the increasing noise showed that the lion had couched to spring. The front advanced, pushed from behind, furious, loud, and blood-thirsty. The chains were reached. Forty or fifty men attempted to step over, but the crowding from the rear caused some of them to lose their balance, and others tumbled over them, tripped to the ground; the crowd pressed on, not allowing sufficient time for those in front to clear the treacherous barrier of chains.

At this moment, when this unforeseen accident had caused some confusion to arise, a paper ball suddenly flew from the window that Casserly had recently vacated, struck the hotel, bounded into a small tree near the barrier, and fell at the feet of the mob.

"I wonder what this is," said a rioter, stooping to pick it up.

His hand had not reached it when there came a terrific crash from the sixteen windows; the paper ball was a signal. Casserly had poured his fire into the mob. The effect was wonderful: the mob fell back upon itself, crushing and grinding, howling, cursing, and paralyzed with terror; the wildest confusion reigned.

Presently, however, it was discovered that not a man had received a scratch. Many who were fleeing in wild dismay checked their flight. After some delay order was restored; but there was an absence of that reckless and fearful determination that had heretofore characterized the attack. Men sustained and encouraged one another by incendiary utterances. The crowd, which had been scattered over a large area, embracing the greater part of First Street, between St. John and St. James, again began to assume close order and to concentrate toward the front. One man, who had dropped his axe, more hardy than the others, advanced stealthily to recover it; but a single shot, the ball from which struck the pavement at his feet, caused him to beat a hasty retreat. The shot was aimed to miss.

Then came a reaction—one quite natural, and that might have been expected. The terror inspired by the blank volley gradually gave way to anger. The idea diffused itself that Casserly was endeavoring to frighten men as he would children. Manhood rebelled against such indignity. The impression took root that Casserly dared not fire upon them; that the stake for which he played did not warrant a wholesale slaughter. Casserly knew the man was guilty, and that he deserved to suffer the direst vengeance of outraged society. Casserly was but as other men; he also had a home, was an integer of society; he should naturally concur in steps taken to remove a cancer from the body politic. Therefore, while, for the sake of de-

cency, he ostentatiously interposed his opposition to irregular chastisement for a heinous crime, he must at heart have sympathized with this movement, which met no hinderance elsewhere. By this course of reasoning, the mob was led into a serious error.

The crowd again bubbled and seethed, its venom returned. Much valuable time had already been lost.

Two men were standing in St. James Square, anxiously watching the result of the attack, and pale with expectation. One of these was Judge Simon. He remarked to his companion:

"They are preparing to renew the attack."

"It is terrible!"

"See! They are advancing again."

"My God!"

"Casserly will shoot them down like dogs."

"Do you think so?"

"I know it."

They stood thus, painfully absorbed in the preparations for the second advance. Suddenly Judge Simon violently started, the pallor of his cheeks changing to the hue of death.

"Listen," he said, hardly above a whisper.

"What is it?"

"One."

"One what?"

"Two. The fire-bell."

"What can it mean?"

"Three. Hush."

"Must be another ruse of Casserly's."

"Four. Perhaps."

"Maybe they have stolen Howard from the jail—"

"Five."

"—and hanged him—"

"Six."

"—as the notice said."

"Seven."

"That's only six."

"Seven, I tell you! Eight."

"My God! What is it?"

"Nine."

They waited in breathless silence for another stroke. They listened in vain. Had Casserly in reality acted on the notice, and, to mislead the mob, sounded the alarm that tolled the death of Howard? The alarm had risen above the tumult of the riot. The mob was stupefied, but uncertain. It groped in the dark, fearing treachery, yet hopeful that the bell had clanged out the alarum of the people's vengeance. A loud cheering was heard in the direction of Santa Clara Street. It flew from mouth to mouth, entered the mob, and was there taken up and swelled a thousand fold. It scattered the mob like a fire-brand among wolves. The attack was abandoned, and the cry went up

up from two thousand voices: "The murderer is dead!"

All eyes were turned upon a ghastly spectacle, that displayed its hideousness under the very eyes of the riot. A body swung by the neck from a beam that ran out horizontally from the ridge of the roof of the old San José Theater. This building is situated on First Street, near the corner of St. James. It is an old barn-like wooden building, erected about twenty-five years ago by James Stark, the actor. It was the first theater built in San José. It was a famous place of amusement in bygone days, and many actors of renown have trod its rattling boards. It is now used for a carriage factory. The old planks are overlapped—the way in which houses were built in early days—and in some places they are warped and twisted with age. It is not more than three or four hundred yards from the court-house. Hence, the body, that swung so limp and helpless, was in plain view of the mob, which rushed pell-mell to the scene.

There it hung, slowly turning from side to side. The head and face were entirely concealed by a cap, or cowl. The body was neatly dressed in black. A rope was wrapped around the legs, and the arms were pinioned to the sides by another rope that encircled the body several times. Two placards were attached to it—one upon the breast and the other upon the back. They were made of large pieces of white pasteboard, with irregular letters daubed upon them, large enough to be read a considerable distance, and each bearing this notice:

"Howard, the Woman-Murderer."

The placard upon the back was secured by a string passed through the upper edge, the loop being thrown around the neck. That upon the breast was differently attached, and in a manner so cruel, so revolting, that upon seeing the sickening spectacle a shudder ran through the crowd. It was pinned to the breast with a hunter's knife, driven straight in to the hilt.

At the moment when Judge Simon's companion suggested that the sounding of the bell was Casserly's ruse, the latter remarked to a friend:

"That is very strange."

"It is."

"It must be somebody's ruse to draw of the mob."

The man looked knowingly at Casserly, and said: "I suppose you did it."

"I did not."

Casserly heard the cheering, and his heart sank as the cry arose that the murderer was dead. He was greatly alarmed when he saw the crowd melting away, and his doubt changed to certainty when a man came running back from the crowd in front of the hanging body, and gave Casserly the news. It was a terrible surprise, though he was almost prepared to hear it.

But after reflecting a moment, Casserly's face brightened. All was confusion in the court-house. The guard had abandoned the windows, and flocked around their leader, who said:

"Somebody has fooled the mob."

"How?"

"I'll bet a hundred dollars it's a stuffed figure."

This set them all to thinking.

"I'll bet another hundred dollars," continued Casserly, "that Howard is in the Little Tank."

This was a doubt easily set at rest. Casserly proceeded to the jail. On being admitted, he asked the jailer hurriedly:

"Where's Howard?"

The jailer, evidently surprised, replied:

"Why, in the Tank."

"Are you sure?"

"Certainly."

Casserly unconsciously drew a deep breath, greatly relieved.

"Do you know," he asked the jailer, "that it is reported he is hanged?"

"No."

"A man has just told me that he saw the body."

"Impossible. But let's go into the Tank, and see."

Casserly retraced his footsteps into the court-house, procured the keys, and returned.

Before opening the door of the Tank he asked, as if desirous of leaving no possible room for doubt:

"Did you hear any unusual noise in the Tank?"

"I heard him call out once, and would have opened the door, but you had the keys. The voice was very faint, but I'm almost sure I heard it."

Casserly swung open the plate-iron door, and looked through the grated door. He saw nothing. Then he inserted his face in a depression made in the grating inward, to allow one a larger perspective. Still he saw nothing. Howard was in his cell, doubtless. As he unlocked the grated door he asked the jailer:

"Did you lock him in his cell?"

"No."

Casserly entered, followed by the jailer.

"Number 3, ain't it?"

"Yes."

Casserly went straight to this cell, the door of which was open. The prisoner was not within. Casserly called: "Howard!"

His voice reverberated from wall to wall, but no answer came. Then was Casserly thoroughly alarmed. Hurriedly and anxiously he ran from one cell to another. All were tenantless. The two men stared at each other, blank astonishment being depicted in their faces.

"Where is he?" asked Casserly.

"I don't know."

"You *must* know."

"Positively I do not."

They glanced around upon the walls, and reflected upon the impossibility of scaling their smooth surfaces. Even should this be done, the roof remained, and it was intact.

Then did a suspicion, that had been growing in Casserly's breast for the last few moments, take shape; and, with a steady look upon the jailer in a manner that admitted of no trifling or equivocation, he asked, sternly:

"Where is that man?"

"Upon my honor, I do not know."

Casserly nodded. His tone was quiet, but it indicated danger.

"Did you leave him in here?"

"Yes."

"When did you see him last?"

"About two hours ago."

Casserly again nodded, and asked no more questions. The jailer, stung by the look of suspicion that Casserly did not attempt to conceal, said, with great earnestness:

"I tell you, Casserly, that I don't know how he left this Tank. It is a terrible mystery."

"Doubtless," replied Casserly, calmly.

Suddenly Casserly noticed the small door in the south wall of the Tank. This door, like the other, was doubled, having a grating opening inward, and a plate-iron door opening outward. They were both closed. He approached closer, to examine them. He seized the grating, which yielded and swung open. He then pushed upon the solid door, and it opened. He turned upon the jailer, who stood petrified with astonishment, and, with raised voice and glaring eyes, he demanded:

"How is this?"

The jailer could not reply. He was stifling. Casserly stepped into the yard, followed by the jailer. He saw several footprints on the ground. Following them around the corner of the jail, he found an opening cut through the wooden wall. Sick at heart, Casserly again turned upon the jailer:

"How came that door unlocked?" he demanded, angrily.

"I don't know."

"Where did you keep the key?"

"I didn't know there was a key. The door has been locked ever since I took charge, nearly two years ago. I never heard of a key."

Casserly turned to leave, without saying another word. He met Judge Simon in the yard. The old man asked, in a deprecating tone:

"Casserly, how is this?"

Casserly merely shook his head.

"There is a terrible report on the street about it, Casserly." Casserly's look was inquiring, but his tongue was silent. "I don't believe it, though," continued the old man. "It is too horrible—too unnatural."

Casserly's interest was aroused. "What is it?" he asked.

"Why, Garratt told me that he saw a woman helping the mob to hang the poor boy."

Casserly's look betrayed some surprise. The old man approached closer, and whispered in Casserly's ear:

"He said he recognized in that woman—"

"Well?"

"—Howard's own mother."

Casserly almost staggered under this revelation. His strong nature was shattered. Crushed and humiliated, and almost overpowered by this mountain of mystery that bore him down, he entered the court-house, cheated at every turn, and outwitted like a fool.

W. C. MORROW.

[CONTINUED IN NEXT NUMBER.]

WRINKLED SIRENS.

It is not pleasant, but really lamentable, to acknowledge, first, that sirens have wrinkles; second, that the world is fairly crowded with wrinkled sirens. But the language of facts is incontrovertible; wrinkled sirens exist; there are plenty of them; there is a reason why they exist, and there is a remedy for them. Education, as all the world will admit, ought to have two ends. It ought to develop strength and to supplement weakness—especially with wrinkled sirens. What is good, it ought to make better, and what is wanting, it ought to supply. Some principle of this kind practically obtains in the education of boys; why not with girls? Not only are the strong points of a boy's abilities and character carefully noted, and afforded fair fields of exercise, but his deficiencies also, his stupidity in one or other line of study, his bodily indolence or awkwardness, his cowardly, lying, or cruel propensities—all are noticed by his tutors, and due efforts are made to counteract them.

But in the case of girls, only one of these two ends of education is commonly pursued. The peculiar gifts of women, their affectionateness, piety, modesty, and conscientiousness, their quick apprehension, and brilliant intuition, their delicacy of sentiment, and natural love for poetry, music, and all things beautiful—all these qualities are drawn out by the education usually given to them, to the very utmost of the teachers' powers. But the equally ordinary defects of women—their wrinkles,

if you please—their bigotry and superstition, their hastiness and superficialness of judgment, their morbidness of sentiment, their lack of sustained ardor for solid study or abstract thought—all these deficiencies are usually left at the end of the most elaborate female education very much as they were in the beginning. It is seemingly taken for granted that, while every defect or wrinkle in man is more or less capable of cure, of being ironed out, in a woman it is hopeless of remedy. Perhaps the cause of this anomaly is a lack of faith in the possibilities of human nature; but I shall not now inquire too deeply into these causes. Perhaps the associations of ideas of what we most love in woman with so many of woman's weaknesses has endeared the weaknesses themselves, even as some one has said that the silliest custom and wildest belief, which had once been associated with our religion, became dear and venerable in our eyes. In any case, the true faith in womanhood must needs include the conviction that the weaknesses—physical, moral, and intellectual—so often attached to it, cannot truly be an integral part thereof, and that, to relieve it from them, would not be to take aught from its beauty and its charm, but, on the contrary, to increase them.

But before following out this line of thought, it is needful to meet, at the outset, an argument which, whether plainly expressed or silently understood, actually bars this whole road of progress in the feelings of thousands. Bun-

him in this case also, but had little difficulty in securing an acquittal after the experience of the murder trial. Tirrell was completely at the mercy of Mr. Choate, who held his life in his hands. I verily believe no one else could have secured the verdict.

It is difficult to give an idea of the style and method of this eminent lawyer. He was guilty of no pettifoggery, of no underhanded attempts to get the better of his opponents. With him it was a fair fight for a verdict. A full court-

room always attested the opinion entertained by the members of the bar, and the public generally, of his great abilities. Since his day few men have arisen who could command an equal share of popularity. In fact, the practice before a jury is quite different from that of the olden time, and much of the honorable dealing of earlier days has departed. However, I am not writing to moralize, but simply to record a reminiscence of a great lawyer.

J. S. BACON.

A STRANGE CONFESSION.

CHAPTER VII.

It had come about in this manner: When Mrs. Howard, bareheaded, her eyes glaring, and her cheeks flushed, arrived at First Street, Casserly was standing upon the steps, addressing the mob. Frenzied with a desire to do whatever might be done—whatever human ingenuity could suggest to do, whatever a mother's heart could urge should be done—she tunneled like a mole through the dense mass of humanity that separated her from Casserly. She would become Casserly's ally. She would choose between the mob and the scaffold—anything, everything, to gain time. But her strength failed. She was rudely handled, and once she cried out with pain. Seen thus frantic, she was taken for one of the mob.

"Here is a woman," cried a man. "Make way for the woman!"

"A woman! A woman!" arose the shout. "A brave woman! Should we hesitate when a woman sets the example? Make way there! She will help us to hang the scoundrel. Hurrah for the woman!"

She turned like a lioness, and writhed in agony. It seemed that her eyes would burst from their sockets. At this they shouted again. Oh, that she were a man—that she had a knife to plunge into two thousand hearts at once, that the blood might flow around her to the waist, and that she might drink it, and lave in it, and think it rarer and sweeter than the nectar of the gods! Was it as great a mother's heart as thine, O woman, that looked upon the Crucifixion with but a tear upon the cheek? Misguided woman! You should have been as noble as the women of the Ganges, who cast their offspring into the jaws of crocodiles.

She choked down the words that clamored for utterance. Bruised and sore, her hair disheveled, her clothing torn, she turned back, and gained the outskirts of the mob, her heart bursting and her brain on fire.

"O God!" she prayed, unconsciously and silently, "that the sun should shine upon such a scene—that the earth did not quake and the heavens turn black! Oh, that the world might be rent with thunder and lightning, and bolts of death hurled by a million gods upon this gigantic pack of bloodhounds. Give me strength, O God! Arm me with the instruments of thy vengeance. Save him—save him—save him!"

She trembled in every joint. As she was mentally casting about for means to avert the impending catastrophe, an unfortunate woman, standing near her at the corner of St. James Street, approached her with a reeling gait. This woman's eyes were bloodshot, and a coarse leer darkened her features. Turning upon her, Mrs. Howard asked, in a voice so husky and shattered that it could hardly be recognized as a woman's, "What are they going to do?"

The woman winked knowingly, and replied, "I know."

"Will they break open the jail?"

The woman shook her head.

"Then they can't take him out," exclaimed the mother, triumphantly.

"Oh, but they can."

"How?" was the startled inquiry.

The woman simply shook her head. This so exasperated the mother that she clutched the woman's arm with nervous strength, and demanded, threateningly:

"What do you mean, woman?"

The strange woman was in that state of intoxication in which Indiscretion opens readily

the cage-door of Secrecy. It is a good plan not to impart secrets to people who drink. The woman asked:

"Do you want to see him strung up?"

The mother, with that quick power of divination possessed only by women, and suppressing the revolting effect upon her nature of the cruel question, replied, with every trace of excited color fading from her face, "I do."

"Truly, now?"

"I would pull on the rope. I would put a knife into his heart. Let me see him."

And, indeed, she looked so terrible at that moment that the strange woman was thoroughly frightened, and stared as if she saw a specter.

"Do you know anything? Tell me," cried the mother.

"Oh, don't look that way. You frighten me."

"Tell me, I say. Tell me."

"Come, then."

They turned into St. James Street, and proceeded toward Market. It was soon evident that the strange woman regretted what she had done, and in order to disembarass her conscience, she retreated into the stronghold of women, and begged:

"Do you promise solemnly that you won't give me away?"

"Yes."

Thus they reached Market Street. The woman halted at one of the cottages in the rear of the jail. A butcher's cart was standing on the sidewalk, quite close to the gate. It was covered with a cloth top, that concealed the interior. The driver was none other than the Crane, who quietly sat with the lines in hand, and his ugly knees nearly under his chin, the seat being low, and the Crane's legs being very long. Besides, his long back was bent, and his neck was stretched forward, so that his face appeared almost between his knees, which were separated, that the view might not be obstructed. There was an air of such profound self-importance in his face that if the fact had been heralded from the house-tops that the Crane knew a secret worth knowing, it could not have been plainer. If anybody had doubted for a moment that he was a dangerous man, and one whom it would be rashness to trifle with, it was necessary only to look at him, and see the invincible determination in his face, to have arrived at the conclusion that he was the most dangerous and reckless man in the world. And yet the Crane was not a bad man at heart, though he had been heard often to say that he had rather be a bad man than no man at all, like some people he knew; and even while he would on all occasions protest that he was not a dangerous man

(unless it was in a good cause), and that he would shield with his strong right arm the weak and down-trodden (unless they were in the wrong, of course), he was, nevertheless, quite solicitous that extravagant ideas of his recklessness and courage and general depravity—such as is consistent with the vagaries of knight-errantry—should prevail. It gave him tone, he thought, and standing in the community. It made him a man feared of cowardly men, dreaded of bad men, respected of good men, and honored and worshiped afar of women, like a star. Rough and uncouth as he was, and devoid of every trace of refinement or education, he was contented with himself, as such men generally are, and even congratulated himself that he was himself, and not somebody else; for if he had been some one else, he could not have lived in such close communion with so dangerous and so reckless a man. At times he would relate the most blood-curdling stories of his past life—times when he would shoot at the drop of the hat, for the merest quibble in conventionalities; how he could get the drop on a dozen men at once, who were covering him with revolvers; women, who would act in the most unaccountable way, when he had given them no encouragement further than to barely speak to them, and whose husbands and fathers and brothers he respected too deeply to play them the villain. These stories he would retail to young girls and timid women, with the strictest injunction not to repeat them; and they would soon thereafter be discussed in mean little drinking saloons, and laughed at over a glass of beer. Thus the Crane was quite a character in town, and afforded no little amusement to the *coteries* of the saloons and engine-houses. But that the Crane had ever been guilty of a wrong, that he had ever killed a man, that he had ever brought desolation into a quiet and peaceful home, nobody ever believed. It sometimes happens, however, that people walk in their sleep, and that, while thus walking, they carry their dreams into action. The records of the penitentiaries, as well as those of the insane asylums, show that persons who dream a great deal—especially in daytime—may walk in their sleep, and sleep in their walk, and live among dreams and fantasies until their lives are colored with their dreams.

The Crane did not notice the women, so completely was he absorbed in his own reflections. Mrs. Howard's companion pointed down an alley running through the yard, and said:

"That's the jail wall—that high fence."

"I see."

A man was working vigorously at this wall, cutting a hole through with an auger and a

saw. Three or four other men stood near, urging him to make haste. The roar of the mob in the next street deadened the noise they made.

"Who are they?" asked the mother, breathlessly.

The woman regarded her with a knowing leer.

"What are they doing?" cried the mother, choking with terror.

"Well, you know," answered the other, confidentially; "they've got the key—to the side door—of the Little Tank—where he is locked up—and they'll take him out—and—"

"And—what, woman?"

"—hang him."

The mother shuddered. This new danger was more startling than the other, for it was the work of cool and cowardly and silent determination—like the crawling of a snake that coils to spring. Her knees trembled, and the ground swam before her. Should she inform the police? No; for she could not approach them. Even should she succeed, her son would still be in the clutches of the law, and under the shadow of the scaffold. There would be time to raise the alarm, she thought, when a desperate resolution that she formed should fail of effect. It was evident that this part of the mob was working secretly, and that it was the intention of the men to hang him quietly, while Casserly was engaged in front.

"Let's help them hang him," said the mother.

"Oh, I couldn't," replied the woman, her eyes dilating with horror.

"Then, I will."

"How can you! How can you! Oh, you cruel, cruel, cruel woman! You are a bad, wicked woman!" cried the poor creature, her cheeks ashen with terror. Then she covered her face with her apron, and went into a house, crying bitterly.

Mrs. Howard approached the men with a firm step, and a strange light in her eyes.

"I want to pull on the rope," she said, almost choking.

The men regarded her with looks of astonishment.

"Go about your business," said one, firmly and kindly. "This is no place for a woman."

"I *shall* stay. Didn't he kill a woman? Oh, let me help you!"

Then the men looked serious. Naturally, a woman should have even a greater interest in this matter than a man. In any event, if a woman demanded vengeance, it was but right that a morsel of the feast should be set before her, garnished with choice ends of hemp, and sauce made of tears and blood.

"What would you do?" they asked.

"Anything—anything!" she cried; and her eyes suddenly glittered as the thought occurred to her as by inspiration: "Give me a knife; a long and sharp one; and I'll show you what a woman can do!"

"Would you?"

"Try me!"

"Here; take this one."

He handed her a long, keen hunting-knife. She received it, her hand slightly trembling; carefully examined the edge and the point, and placed it in her bosom, leaving the handle visible.

"You are a brave woman."

She made no reply. A brave woman, indeed!

"I'll tell you when to use the knife. You may help us, if you will."

The man who addressed her was evidently the leader. At the termination of this conversation the opening in the wall had been made. One by one the men crawled through. However, the last man experienced some difficulty in clearing the passage, by reason of a bulkiness about the waist which did not correspond with the general proportions of his body, as if the crime he contemplated settled in that portion of his person, producing inflammation. The leader, who had passed through, laughed softly at his embarrassment.

"Jim," he remarked, "it clings about you as though it had a fondness for you."

"Like a boa constrictor," suggested another.

"Is it crawling toward your neck, Jim?" asked a third.

The man did not seem to enjoy these jokes. The leader asked, "How long is it, Jim?"

"Fourteen feet."

"Pretty long, isn't it?"

"No; six for the drop, six for the stay, and two for the knot."

"Then you allow nothing for the guy."

"We can spare a foot of the knot."

"So? Inch and a quarter, is it, Jim?"

"No—inch."

"Inch! Why, inch and a quarter is regulation."

"Different States use different sizes. Tyburn has—"

"Listen!"

"It's nothing."

"But inch and a quarter is better style, Jim."

"Well, this will hold a hundred and fifty pounds on a six drop, without a fray."

"But there's no danger, anyhow. He won't drop, but will simply swing." This sagacious remark was made by one of the men, who had hitherto been silent, and it settled the question in favor of the rope.

The mother had, in the meantime, passed through the opening the last, and listened quietly to this conversation, which had been carried on hurriedly and in low tones, while the leader inserted a rusty key in the iron lock.

"Suppose the lock is stuck with rust," he suggested.

In fact, the key had already failed to turn. He removed it, and peered into the lock. Then he reinserted it, and tried it again, his face reddening with the effort he made, and again failed. At this he cursed.

"Are you sure this is the key?" he asked of one of the men.

"Certainly; I've had it ever since I was deputy here."

Another man stepped forward, inserted the barrel of his pistol in the key-bowl, and, with the powerful leverage thus obtained, turned the great key. Then they pulled upon the door by the key, but it required the united efforts of three men to force the door to yield. The grated door confronted them. This was unlocked and opened with ease.

The mother stepped backward toward the wall, and said in a low, earnest voice:

"I'll not go in till you bind and gag him. Be sure and gag him. Tell him you are friends, and then secure him; but don't hurt him—don't hurt him!"

They regarded her with some surprise and disgust. "Oh," she said, "I am brave;" and she drew the knife.

Hearing the noise, the prisoner, who was lying down in his cell, thinking the jailer was entering, remained quiet, until he saw strangers at his cell door. The light was very dim within to those who had left the bright day without; but they saw a tall young man, standing upright, and looking steadily at them. In his look there was no trace of fear, or suspicion, or surprise. He surveyed them calmly, and said nothing.

It was a momentary question with the leader whether he would take his man within the cell, or call him out. Certainly the latter course was the better, by reason of his advantage of sight in the darkness of the cell. But he did not require an invitation, for he stepped out, bare-headed and erect. He was extremely pale, but calm and collected; and it seemed that prison-damp had already stamped its greenish hue upon his face.

"Hello, my young friend," said the leader. "Keep quiet; we've come to take you away. Do you know what is going on?"

"No."

"There are two or three thousand men out there looking for you."

The opening of the prison-door had admitted the tumultuous noise of the riot; and this explanation of the leader was all that was necessary.

"What do they want?"

"To hang you."

This terrible news sent a shock, hardly perceptible, through the prisoner's frame; but he was immediately calm again, apparently susceptible of no emotion whatever. There was in his conduct something that needs to be mentioned. It was utter indifference of self. This is a condition of human nature that physicians hail with delight, but preachers dread and struggle against. In the one case it is life; in the other, death. Perhaps, if the truth were known, indifference, in its various forms of recklessness, carelessness, or what not, would be found at the root of every crime. Desperation is nearly like it, and suicide is synonymous with it. And doubtless there is not a single passion or sentiment but that, when stirred to its lowest depths, or expanded to its fullest limits, brings us all to this.

But, after all, is it not a kind of selfishness?—an egregious, overweening selfishness?—an utter disregard of whatever disastrous effect it may have on those near to us, and dear to us? As John Howard was indifferent, he was fearless. Perhaps if he had not been the one, he would not have been the other. Recklessness is another name for bravery.

"We have come to save you," continued the man. "But you'll have to do as we say. We must bind you and blindfold you. We are your friends. I know you are desperate, and may resist those who would save you. Submit quietly, then, and don't force us to extremes."

The prisoner regarded them with absolute contempt. They were not men of his class. He felt, in his blindness, a superiority to them in every element of manhood. Besides, he was possessed of that spirit of perverseness which was necessarily a concomitant of his present disposition—a spirit which, in kings, as history records, has more than once foundered an empire. He said nothing, but assumed a defiant attitude; and, as the prospect of a struggle opened before him, he seemed to awake from his lethargy, eager to create danger where it might not exist, and to meet that danger with desperate calmness and resistance, if by so doing he could intensify it. So, be on your guard, gentlemen of the mob! You have against you one unarmed man, while you are five and armed to the teeth; but, for all that, have a care! The cause of a desperate man is to him a righteous cause. The eyes of the prisoner flashed, and his muscles knotted.

"You fool!" exclaimed the leader—a powerful man—as he sprang upon the prisoner.

But he found a strength equal to his own, and an agility that far surpassed his. The prisoner grappled with him, twisted him like a reed, and dashed him to the floor. The four other men encircled him. He struck right and left, and sprang about like a panther, now getting in their clutches, then slipping dexterously away and tripping them. It was a quiet struggle. Some blood was beginning to flow from blows he had struck like thunderbolts, and then they overpowered him, and bore him down, his muscles violently quivering with the superhuman strength he put forth in resistance. Then, as his breast heaved with rage, nature asserted itself, and he uttered a piercing cry of despair.

Quiet there, boy! You have a friend without, whose horrified glance has followed every movement; whose heart is bursting for you—a friend truer than heaven, boy, for she will never desert you.

The men were muttering curses, as they pressed him upon the floor. The mother rushed into the Tank. A cruel sight there awaited her. One man was binding his feet, another his hands, and a third was thrusting a gag into his mouth.

The woman crept forward and peered into her son's upturned face. It was the cry that aroused her, but he could utter no sound now. Acute suffering appeared about her eyes and mouth, and raised great ridges in her forehead; while the intense pain the prisoner experienced from the gag, which was thrust far down, made the tears start to his eyes, and his features twitch convulsively. He saw her, and recognized her. Through all his suffering there appeared unbounded astonishment, and a look so intense that it pierced her heart like a knife. It was an appealing look—a look of deprecation—a look of supplication—that went down into her very soul, and stirred up all the mother there. Angered and excited, the man who managed the gag thrust it still farther down, and the pain was unbearable.

"You are pressing it down too hard. Stop! you hurt him," exclaimed the mother.

"What!" replied the man, angrily. "We want no chicken-hearted women here."

With that he gave the gag another thrust, and the prisoner writhed in agony and cast an imploring look upon his mother, while his face became discolored with suffocation.

Suddenly, overcome by an impulse that nothing could restrain, maddened and furious, the woman drew the knife, and, with distended nostrils and grinding teeth, struck desperately and with all her strength.

"Take care there!" cried one of the men as, with blanched face, he caught her arm and stared at her. "If that knife," he continued, slowly and threateningly, "had come down it would have gone into—the wrong man's back."

He held her firmly; her muscles relaxed; her face became crimson. Then he released her arm, which fell limp to her side.

"I was excited," she stammered.

"Be more careful in future, then."

They loosened the gag, dragged him out, and placed him in the bottom of the butcher's cart.

"What are you going to do with him?" asked the mother, with tremulous voice.

"We'll string him from the beam of the old San José Theatre."

He heard this, lying within, but not a groan escaped him. Since the gag had been released, he had remained perfectly quiet and submissive, trusting all to his mother. She felt this, and it strengthened her.

"Let me and the driver hang him alone."

"Why, the Crane would faint."

At this, the insulted Crane peered around, and looked quite desperate and dangerous. The mother's quick glance drilled him through, and a look of satisfaction, tinged with a single bright ray of hope, lighted up her face. She urged the point so strenuously, and seemed so determined to take a prominent part in this fearful avenging of outraged society, that the men, who really dreaded the consequences of their contemplated act of violence, finally yielded, and threw the rope into the cart. Men must be in great numbers to retain for any length of time the fury that leads to the lamp-post, unless sacred rights of their own have been invaded.

Before climbing upon the seat the woman said, "Gentlemen, you have done me a great favor. We may meet again."

She was perfectly calm, and the men saw she was very handsome. They told her they would be in the street to see the hanging. Afterward, when they had more time for reflection, they wondered why they had taken a woman into the crime; and one man even went so far—and they laughed at him for it—as to say that somehow or other he had a faint remembrance that the prisoner and the woman resembled each other. As they were driving away, she asked:

"Gentlemen, who are you?"

A quick look passed from one to another. The leader replied:

"A hundred citizens."

Cassery went immediately to the scene of the hanging. Despite the immense throng that

crowded the street, a great and oppressive quiet was over all. Strong men looked at the hanging body, and went away, sick and faint.

A man was ahead of Casserly, for when the latter reached the spot, this man, all alone, stood upon the platform beneath the beam. He placed one arm around the body and held it, while he cut the rope. Whether it was accidental or intentional, he allowed the body, when the rope was severed, to slip from his grasp and fall over the railing. It struck the ground with a dull thud, almost at Casserly's feet. A horrified shivering seized the crowd. Casserly stepped forward, knelt beside it, placed his hands upon it, and then hastily rose, his face crimson with rage.

"Casserly," said Judge Simon, laying his hand timidly on Casserly's arm.

"Bah!" exclaimed Casserly, with profound disgust.

"What's the matter, Casserly?"

"He's gone! That thing is stuffed with straw!"

CHAPTER VIII.

They found the mother at her home, sitting quietly beside the bed on which her dead charge lay. Her toilet was perfect. As Casserly, accompanied by Judge Simon and the Coroner, entered, she rose with the old queenly grace and dignity, and invited them to seats, which she placed for them, with an unconsciously sweet and winning manner that impressed Judge Simon very strongly. He could not realize the fact that this was the woman of such desperate courage and cunning, so calm was she, and so soft of step and graceful of manner. But he saw what Casserly could not see, that there were deep cares and anxieties in her face; but they were almost hidden from view by a look of triumph, which glowed with suppressed intensity.

As Garratt was the only one with whom she was acquainted, he introduced the others. Casserly felt very ill at ease. The woman's tenderness and refinement placed a barrier between him and her, while they drew Judge Simon toward her, and he became her friend instinctively. Casserly's awkwardness seemed to him to obtrude itself, and proclaim itself aloud, that she might see it the more easily, and scorn him for it. He was a kind-hearted man—brutality was foreign to his nature; for, had he been otherwise, he could not have perceived the difference. With things that came to his understanding by mental processes, he was slow of

comprehension, but of whatever came by way of the heart, or feeling, or whatever may be termed the finer instincts of human nature, he grasped the meaning readily. Knowing what she had done, and what she was capable of doing, Casserly felt himself a great child in her presence. He had not yet a sufficient knowledge of criminal matters to know that a woman may outwit the shrewdest detective skill, where a man would be caught in the simplest snare. Is there in this fact the shadow of a possibility that, as hypocrisy and cunning go hand in hand, women are naturally greater hypocrites than men?—or, perhaps, more successful in hypocrisy? Casserly was learning, however; but still, had he been a greater rascal he would have been a better detective.

Casserly and Judge Simon had settled between them these propositions: That the young man's flight was, under the circumstances, no further evidence of his guilt; that, after all, he was, possibly, not the real criminal. Then, assuming that he was not, who was? Evidently the fugitive girl, or the mother herself. It appeared as reasonable to suppose that Howard would sacrifice himself, if need be, for the one as readily as for the other—provided he loved the girl, or, provided further, that he did not love her, but loved the girl who was dead, and cared no longer for his own life. Thus it will be seen that unless some starting-point could be discovered, there was no foundation whatever on which to build a theory, and they were as far from the truth as ever. One gloomy fact stared Casserly in the face: the crime must be ferreted out. It seemed a hopeless undertaking unless the girl could be found. Every effort had been put forth to secure this end. Constables, sheriffs, policemen, in addition to thousands of persons who constituted themselves detectives wherever the news had penetrated, were watching closely and carefully. There is a kind of glory attaching to participation in the capture of a criminal that makes every man, woman, and child an informant to the death on an unfortunate fellow-being; and yet, but point to blood on the informant's hands when the deed is done, and you horrify him. It is there, however, in ugly patches, covering the hand and arm to the elbow, constantly defiling with its loathsomeness everything pure that it touches, crying aloud with a hundred thousand tongues the old, old story of inhumanity. Here is one definition of "Society must be protected": vindictiveness must be satisfied.

It had become a fixed idea in Casserly's mind, under Judge Simon's instruction, that the girl must be found—that possibly she was the criminal.

The inquest remained—and who would testify? The mother. The whole case was in her hands. She could make any statement of alleged facts that suited her ends. It even seemed that the white sheet covering the lifeless girl was the window to the secret chamber in which the mystery was concealed; that the folds, which were very plainly visible, composed the sash, and that the panes had been very thickly coated with white paint, that no glance could penetrate.

"Madam," said Casserly, "where is your son?"

He knew well enough that he was wasting words. She replied:

"I do not know."

"Is he the guilty party?"

She betrayed no excitement, nor surprise, nor annoyance, but trifled with some ornament upon her wrist, and did not raise her eyes or answer the question. Casserly waited some moments. At length she asked:

"He said he was, I believe?"

"Yes; but he did it in such a way as to leave some doubt about it. He did, however, madam, in a moment of excited passion—and, besides, he was under the influence of liquor—say something that forces me to do a very disagreeable thing."

He paused. She continued to play with the gold ornament, and seemed to take no interest whatever in his recital.

"There are, besides, some corroborative circumstances. While he was sitting with me in the police office the confession was on his tongue, but I unconsciously broke it off by telling him I already knew of the affair, and had sent two officers to the house. Now, he did not complete his confession until the officers returned, for he evidently expected some one with them."

Still she continued to play with the bracelet, and did not raise her eyes or say a word.

"Madam," he continued, "why did you go so quietly down those stairs and turn out the hall lamp?"

She raised her eyes, and regarded him long and earnestly. She must have felt surprise at this revelation, but she did not exhibit any. Her look was one of calm and forgiving reproach, and it had a powerful effect upon Casserly, who felt that it said: "Poor fellow, you are trying to do your duty, but you are beyond your depth. I, a woman, am deeper than a thousand like you, Casserly. You are a mere boy, Casserly, and I really wish you were older, that you might be on a footing with a woman. Would you tear the secret out of my heart, Casserly? Would you put a mask over your stupid

soul, and become a burglar, and, armed with a jack-knife or a nail, essay to penetrate through a wall of steel and stone a hundred feet in thickness?"

"Do you decline to answer the question, madam?"

"Mr. Casserly, what do you expect?"

"The truth."

"Ah!" and she dropped her eyes, and resumed her toying with the bracelet.

"Casserly," said Garratt, "it seems to me that one thing is quite plain: if Mrs. Howard believed her son innocent, she would not have effected his escape, but would have trusted to truth."

"But what about accomplices?" asked Casserly, looking steadily at the woman.

To his utter surprise, when he thought this shot would strike straight home, she remained perfectly quiet. After reflecting a moment, Casserly asked, "Did the dead girl love him?"

"Oh, yes. They were brought up together from childhood. A sister could not have been more tender than she, nor a brother more considerate than he."

"You misunderstand me, madam—purposely, I fear."

"Indeed, Mr. Casserly!"

"I did not mean the love of a sister."

"Oh, I could not see into the poor child's heart."

"But you know, madam."

She simply shrugged her shoulders. Thus was this painful conversation kept up at some length, and nothing was learned.

"Madam," said Casserly, at last, "I referred just now to a painful duty I had to perform. I must arrest you."

She did not raise her eyes.

"On suspicion," continued Casserly.

She gave no evidence of emotion.

"You must come with me to the jail."

She quietly rose from her chair. It seemed that she was not near so strong as she was, for there was a slight tremulous movement of her knees. But her face was very, very calm—so quietly at rest that it was painful to look upon. There was not a thought in her eyes. Even the look of triumph had faded away or had died, and was buried in her heart as a grave. Thus looks the loving wife when she receives the first blow in cruelty from her husband. It was the old look of friendlessness with which her son had peered through the grating of his cell at the blank wall beyond. There was no appeal—only rest, absolute rest, and nothing more, and much like the rest that death brings. But death were far better than the calm which, in life, causes such a look as that.

She mechanically put something on her head, and then, as she was about to pass through the door, she bethought herself, and went back to kiss the dead girl.

"Will you take care of her for me?" she asked, in a voice that was all a mother's.

"Certainly, madam," replied Casserly.

Then she remembered something else, and stepped before Casserly, facing him. In a very sweet and winning and submissive manner, as a sick child who takes his bitter potion with a smile, she held out her hands together toward Casserly, and said, softly and kindly:

"Here. You always handcuff them, don't you?"

Casserly's face flushed crimson.

"Not you, madam, not you," he said, hurriedly, as he gently pushed her hands aside and led the way.

What, Judge Simon! Is that a tear on your withered old cheek? Fie on you! There, brush it away quickly, sir, for some one may see it.

CHAPTER IX.

It is quite beyond the power of this old-fashioned history—and, by the way, as it *is* old-fashioned, it is often inclined to be pedantic, in quite a droll manner, as old-fashioned things and people generally are—to state with any certainty that Emily Randolph, the fugitive girl, was pretty; and in this assertion an attempt is made to lay aside all taint of pedantry. But, from an old-fashioned standpoint, and on antiquated grounds, and by rules so antagonistic to this age of advancement that they never saw crinoline nor *crème de lis*, it will be stated that she was very pretty indeed—that is, she was plain, which in one sense means about the same thing. It is a common expression that such and such a woman is so "homely" that it—the "homeliness"—must cause her physical pain. On the same principle, beautiful women must live in a state of physical ecstasy; and they generally do. But it is a law of our nature that we tire of extremes, as we see them to be such from our standpoint; and carrying this idea a step farther, are there not times in the life of a beautiful woman when she deplores her own comeliness, as plain women fret over their plainness? The sum total of life is an average. In it there are not separate columns for love, and for sickness, and for sorrow, and for joy; but Time strikes a balance, which is the result of all combined. Wealth in one direction is poverty in another; poverty in

one direction is wealth in another. If your appearance, young lady, is in easy circumstances, your disposition also is very apt to be. You had better be an humble violet than a rose with a thorn. For when a handsome woman has outlived her beauty, it is too late—too late—to learn charms and graces of the heart.

Emily Randolph was a violet—a very sweet and tender violet. There was in her appearance such an appeal to stronger natures that any great tall man, with broad shoulders and the strength of an ox, would feel an impulse to stand between her and the rough buffetings of the world, and with his strength turn the storm aside as if it were a bagatelle. When this should be accomplished, his next impulse would be to address her by all manner of senseless pet names; and then take her for a stroll, and be very wise and very fatherly; then he would buy for her some sweetmeats at a confectioner's, and leave her at her door, a virtuous and self-contented man. When he would awake in the morning, it would be to two facts—first, that it was broad day; second, that he was desperately in love with her.

As a rule, brunettes are small, and sharp, and quick, and—treacherous; while blondes are generally large, and handsome, and slow, and good-natured.

There are not many men and women in the civilized world who have not been boys and girls—barring the generation that is just approaching maturity. When thus of tender years, there are very few who did not, on some bright day, see sparkling in the grass, a short distance away, the rarest and most brilliant diamond in the world. Then it suddenly disappeared, as the line of light was lost; but the eager child sought the ray again. He moved his head to the right, to the left—now up, now down—until he found it. Keeping his head quite steady, that he might not lose the ray again, he crept cautiously forward, being compelled to bring his head nearer and nearer the ground, until he was forced to fall on his hands and knees, and thus crawl onward until his face was almost in the grass. Then he reached out and caught up the precious gem, to find that it was only a very mean and ugly little piece of glass. Had he been older, he would have known that diamonds never glitter in their natural state, and that he might walk over acres strewn with them, and never know one was there. Somebody once said that this is a world of disappointments; in reality, it is a world of childish ignorance.

Emily Randolph was a blonde; but she was quite a small and fragile blonde, as if her size apologized for her complexion. She was twenty

years of age, though she looked younger, and was made up of the most demure little womanly ways, and the most charming little affectations, and the most feminine graces. She seemed quite a child; but, at the same time, you would not have been one whit surprised to see her wearing spectacles and a cap, and having several of her grandchildren climbing all over her.

Yet, with all her loveliness, the men who could appreciate and love her are rare. John Howard was such a man.

On the third day after the riot, she was walking alone in the terraced grounds of a comfortable home at Santa Cruz. The owners of the place were old friends of Mrs. Howard, who had sent her thither. The girl was in profound ignorance of the startling events that had transpired in San José. She did not know, even, that Howard had surrendered himself, nor that his mother was in prison; for she had borne a hastily written note to Mrs. Howard's friend, telling him earnestly to conceal from the girl all knowledge of transpiring events; so that when, in her deep distress and anxiety, she begged for tidings, they told her to be patient—that all would come right. On her own part, the child, in strict obedience to a solemn injunction from Mrs. Howard, refused to say anything whatever of what she might have known about the tragedy. Rather than divulge this knowledge, she would have had her tongue torn out, after so solemn a request. She had been kept very close in the house, and sometimes seemed impatient of restraint, and expressed some wonder that she was treated thus. Nevertheless, they guarded her closely; for, from what they learned from Mrs. Howard's note and from the newspapers, her testimony would tie the rope around John Howard's neck.

It is true that they did not press her with questions, for they dreaded the result; but it is equally true that a little pardonable curiosity—especially as the whole matter was shrouded in such deep mystery—prompted some members of this quiet family to leave the way open for any hint that she might drop. Still, she religiously held her tongue.

And it was noticed that she was very sad and gloomy. At times she would start from her sleep with a piercing scream, and cry, "John!" in the most pitiful, pleading voice. But on other occasions she was quite calm, and always bowed down with grief.

On the third day—Tuesday—she was walking alone on the terraced grounds, and, feeling weary and lonely, seated herself on the steps leading to the first terrace from the street. Thus concealed from the house, she was dreamily looking over the town, and watching an en-

gine that moved up and down upon the railroad. Mingled with the noise it made, came faintly the roar of the breakers.

Suddenly her heart leaped violently to see a man in imminent danger of being run down by the engine. However, he stepped from the track just in time, receiving no other injury than the maledictions of the engineer. In her anxiety, she stood straight up, and ran down the steps to the gate. Tender-hearted as she was, she would have been the first to reach the mangled body. By some special providence, there sometimes seems to be a great amount of heart in very small bodies.

The man evidently saw her, for he came straight toward her. Then she was embarrassed, and turned to leave. What was her astonishment to hear the man call:

"Miss Emily!"

Greatly startled—for the man was a stranger—she turned around to look at him, and found he had arrived at the gate.

"Did you call me?" she asked, timidly.

"Yes. I have something to tell you."

"About—about— Who sent you?"

"Never mind that, my child; don't be alarmed—I'll not harm you."

In truth, the man's face bore a kindly look that reassured her.

"Do you know what terrible things have happened since Rose Howard was killed?"

The girl became as pale as death.

"No," she exclaimed. "They—they—never told me."

"You didn't know John Howard was arrested for the murder?"

Her eyes opened wide with astonishment; and the man saw that the beating of her heart, as he entered the gate, was so violent that the throbbing was painfully visible in her throat.

"Arrested!" she exclaimed, hardly able to control her voice. "Arrested! What do you mean!"

"It is the truth, my child. Now listen carefully. He denied it, but after a time, when he thought he was going to be lynched by the mob, he admitted that he knew who did commit the murder."

She regarded him with so much pain and astonishment that he almost wavered from his object. He drew a paper from his pocket, on the back of which, folded, was printed in black type the word:

"WARRANT."

"He told who it was," continued the man. "I advise you to make a full confession, and keep nothing back. It will go easier with you. You are so young, and such a child—"

He was startled at her appearance. As the meaning of his terrible words dawned upon her, her eyes flashed with indignation and anger. Then this look faded away, and gave place to deathly pallor.

"Tell me all about why you did it, and how. It will be far better for you. You no doubt had good cause. Tell me."

She was becoming very weak and faint.

"Did he tell you that?" she asked, in a choking whisper, no longer able to speak aloud.

"Yes. Tell me all, now."

She looked around in a frightened, uncertain way, and her bosom heaved, and her breath came in gasps. Then she sank down upon the steps, and crouched down very low and humbly, and sobbed as though her heart were broken, murmuring convulsively between her sobs:

"Oh, John, how could you! How could you, John!"

"My child," said Casserly, kindly, "keep a brave heart, and tell me all."

But she continued to sob, and could say only, "Oh, John! How could you, John!"

"You must come with me, my child. Keep a stout heart now, like the brave little woman you are. I hate to do it, but I must arrest you for the murder of Rose Howard."

"John! John! how could you, John!"

He picked her up gently, and led her up the steps to the house. She sobbed all the time, and clung closely to his arm, as if he were her protector, and the only friend she had in the world. This nearly broke Casserly's heart.

As the evening train bore them to San José, Casserly imagined he heard a hundred voices—some in heaven, and some under the ground, and others far, far away—crying in despairing, heart-broken tones:

"How could you, John! Oh, John, how could you!"

W. C. MORROW.

[CONTINUED IN NEXT NUMBER.]

THE VOYAGE OF JUAN DE FUCA A FRAUD.

In the memorable canvass which resulted in the election of President Polk, the title to Oregon and its area entered largely into the speeches of political orators. The shibboleth of Democracy was "Fifty-four forty or fight." The writer, then a youth, zealously espoused the opinion that the United States was the sole owner of *Oregon*, north to the Russian line. A few years later, Oregon became his adopted home.

The ideas formed during youth, amid the excitement of political contest, were intensified in their Americanism by subsequent reading of speeches in Congress, the more dispassionate State papers of the able negotiators, and numerous works upon the Territory; in short, the writer was a thorough disciple of the *ultra* American view. The faith was abiding that the Spanish claim, by right of discovery to the north-west coast (of which the United States had become assignee, by the Florida Convention of 1819), reached north till it met the Russian line.

Among the discoveries accepted as established was that Juan de Fuca, in 1592, while in the service of Spain, had entered what is now known as the Strait of Juan de Fuca. To a resident upon Puget Sound, how pride-provoking the thought that the country had been vis-

ited by white men away back in those primitive years! Thus the impulsive impressions of boyhood, educated as years advanced by an American system of reading, matured into *belief*, rounded into the *conviction* of manhood. To the writer, Juan de Fuca was a hero, a discoverer of unknown lands and seas; his voyage a reality—a valuable *fact* supporting territorial right. The Treaty of Limits, of June 15, 1846, did not fully determine the Oregon boundary. While there remained matter of controversy, a too natural prejudice against yielding territory to a rival nation reconciled a continuance of such belief. Until 1872, when Emperor William finally traced the north-west boundary between the United States and Great Britain, De Fuca's claim continued to be relied upon despite its inconsistencies. Through all those years—a generation almost—it had proved a pleasure to champion the so-called Greek pilot and his voyage; to claim credibility for his voucher and journalist, Michael Lock the elder, he who had been English Consul at Aleppo and enjoyed the intimate friendship of Richard Hakluyt, the distinguished geographer and naval historian. The belief, strengthened by the desire, was entertained that the inland waters of Washington Territory had been visited in the sixteenth century by a Spanish expedition; that through such

mon cause of living ourselves as best we can, and of helping others, by spoken and by written word, to do the same. We lack perseverance and leaders. Thirdly, the splendid successes of certain modern investigations have led away men's minds from the study of the conduct of life to a study of the evolution of life. I respect the latter study, but I do not believe it fills the place of the former. I wish there were time in our hurried modern life for both. I know there must be found time, and that right quickly, for the study of the old problems of the Faust of Goethe.

With this conclusion, the present study arrives at the goal set at the beginning. How we are to renew these old discussions, what solution of them we are to hope for, whether we shall ever finally solve them, what the true ideal of life is—of all such matters I would not presume to write further at this present. But let us not forget that if our Evolution text-books contain much of solid—yes, of inspiring—truth, they do not contain all the knowledge that is essential to a perfect life or to the needs of hu-

manity. A philosophy made possible by the deliberate neglect of that thought-movement, whose literary expression was the poetry of our century, cannot itself be broad enough and deep enough finally to do away with the needs embodied in that thought-movement. Let one, knowing this fact, be therefore earnest in the search for whatever may make human life more truly worth living. Let him read again, if he has read before, or begin to read, if he has never read, our Emerson, our Carlyle, our Tennyson, or the men of years ago, who so aroused the ardent souls of the best among our fathers. Let him study Goethe, Schiller, Heine, Wordsworth, anything and everything that can arouse in him a sense of our true spiritual needs. And having read, let him work in the search after the ideal—work not for praise, but for the good of his time.

And then, perhaps, some day a new and a mightier Transcendental Movement may begin—a great river, that shall not run to waste and be lost in the deserts of sentimental melancholy.

JOSIAH ROYCE.

A STRANGE CONFESSION.

CHAPTER X.

The plan adopted by Mrs. Howard with reference to the newspapers had due weight. It is impossible to refrain from remarking in this connection that, ordinarily, the power of a reporter is greatly underrated. He is looked upon as a machine, for which his salary—generally very small—is the fuel for raising steam, and the policy of his newspaper the length of his stroke. As the quantity of fuel is generally quite small, there is never a dangerous head of steam, thus dispensing with the necessity for a safety-valve. The machine runs steadily on for years and years, and it is not long that a vestige of the original varnish, and polish, and finishing blue remains. It runs on and on, until the parts are worn, and the joints are loose, and the flues are choked with cinders and ashes. When it is worn out at last, it becomes a politician.

But the reporter, although his policy is controlled—or who, rather, has no policy of his own—is nevertheless a quiet and dangerous power. Sometimes he is human—more the pity. In fact, if the fraud must be exposed, he is generally human. Perhaps his peculiar train-

ing renders him comparatively free from prejudices, for his judgment must always be open, while his heart must always be closed. He is paid for his brain, and not for his sentiment. As he is human—a disgraceful admission—he is capable of feeling, which enters unconsciously and conscientiously into all his work. His policy having been outlined for him, dependence is, to a certain extent, placed in him. His judgment is supposed by his employer to be his guide, and confidence is reposed in his judgment; and it is never knowingly betrayed. Though he may have sentiments of his own that clash with the work in hand, he tears them to shreds with perfect cheerfulness. He takes a grim delight in trampling on them, and showing to others how unnecessary and how wrong they are. A man insults him, and yet he lauds that man a hero. But the insult goes down into his heart, and rankles there, to crop out when least expected. He is a nomadic insect—if such an expression be allowable—and what he has no opportunity of writing for this paper, he may for the next that employs him. The reporter is a whole encyclopædia of kindnesses to be remembered and wrongs to be redressed. There is no other man in society who is so

much flattered, and so often wounded, as he. His mind is an arsenal of facts, and his heart a magazine of memories. He has a thousand ways of doing a thing, and he soon learns them intuitively. This chapter is entirely too short to give an adequate exposition of his tricks. He is not feared as much as he might be, or he would always, even for policy, be treated with consideration. He is very much like a camel.

Mrs. Howard grasped this idea at once, as many women in the world have done. She did not avoid interviews; but while granting them, and withholding all information, she threw herself into her natural surrounding circumstances, and raised up an impassable barrier of her woman's rights—rights that men do not have to the same extent, and that are sacred and inviolable. In the whole category of human opinions, creeds, beliefs, and sentiments, there is one thing sacred with a reporter—a woman's wish. In the entire array of things animate and inanimate, things created, things destroyed, things beautiful, things repulsive, there is one always sacred with the reporter—a woman. But she must be a woman, and nothing else, in order to lay claim to this great privilege. She must not be a man, nor a devil, nor a simpleton, nor a child, nor an animal; but a woman. She may, if she can, practice cunning and dissembling deeper than the cool and close scrutiny of a sharp-witted man—a man who believes few things, and places not always implicit confidence in the evidence of his own senses. But it is dangerous; for the man who listens, silent, and does not question nor contradict, may expose the ruse in the morning, and make her wish she had never been born.

Thus it had come about that Mrs. Howard was not again branded as an accessory to the murder. She was guarding her son's life, and not the honor of her family. Under the influence of newspaper reports, and the better feeling that followed the riot, her efforts were appreciated, and her mother's heart respected.

The remarkable manner in which she had rescued him from the mob, outwitting it and Casserly, had reached the ears of the public. Great excitement had followed this disclosure. The Crane had disappeared with Howard, and the butcher's cart was found that evening on the road to Monterey. Doubtless the two men had struck across the country to the Santa Cruz Mountains, and lost themselves in the wilds of that country.

The great mistake that Casserly made was that he kept separate the three persons who alone could have had any direct knowledge of the tragedy. This was a natural error, and one

frequently fallen into by detectives. In by far the majority of cases it is the better plan, as it prevents a coincidence of manufactured testimony; but it also frequently happens that there is a misunderstanding, and consequently a desire to shield by saying nothing.

The funeral of the dead girl had taken place before Casserly tracked Emily Randolph to Santa Cruz. It was a strange affair. Kind hands had placed the body tenderly in a coffin, which was covered with flowers the rarest and sweetest. Mrs. Howard, from her cell in the third floor of the jail, had directed all the preparations. As soon as it became known that she was a member of the Presbyterian Church, ladies of that society proffered their services. There was little to be done, yet much was done. At the request of Mrs. Howard, the minister of the church readily concurring, the coffin was taken into the church building, and the funeral exercises held there. Such a crowd of people had never before thronged a church in San José.

After the coffin had been placed at the foot of the altar, Mrs. Howard entered, walking between Casserly and Judge Simon—for she was a prisoner. She was dressed in plain black, with no profusion of mourning apparel. It was quite firmly that she walked up the aisle, with her veil raised, that all might see her face. Every eye was turned upon her. Many hearts went out to her. This, then, was the woman of such daring and cunning. This woman, with soft step, with calm face, with eyes full of womanly tenderness, with grace and beauty of form and face, was she who held the secret of the crime, and who braved death to give her recreant son his liberty; they could hardly believe it.

A front pew had been reserved for them, and in it the three seated themselves. But in all that vast assemblage there was not a single hand extended toward her; not a single word uttered of condolence or sympathy. She felt a great distance from them. They saw between them and her a wide river of blood. There was blood upon her name, and mayhap upon her hands. The two bright hectic spots upon her usually pale cheeks were smeared thereon with blood. She was surrounded with an atmosphere teeming with the odor of blood. If she had not herself committed the deed, she had looked upon it; had seen death enter a young breast, boring a ghastly hole, and letting the blood flow; carried that crime in her heart, the red blood of it mingling with that which coursed through her veins. Among all the people in that house, there could not have been a lack of that sympathy that would lead to an avowal of it under more favorable conditions.

There was much of it—there always is under such circumstances; but at that moment Mrs. Howard was extremely unfashionable, and to have taken her hand would have been desperately irregular.

Withal, it was a touching funeral service. The sermon was short, but affecting. There was nothing, said the minister, upon which a discourse could be built. There was an entire lack of opportunity to draw a moral, for the girl's history was unknown. Had she traveled the darker ways of life, and found only selfishness—sordid, miserable selfishness—that sacrificed her without a pang?—that gave her over to the tomb when it had done with her, to be devoured by worms, as all corruption is?—and that did this foully, and with strong, murderous hands? If so, find this selfishness, Humanity. Find this thing that lies at the foundation of every evil, of every crime. Let not a stone remain unturned. Loose every bloodhound of divine justice, and let him scent this blood, and track this fleeing criminal, this revolting selfishness, to death. Hunt it down, Humanity. Pursue it to the ends of the earth. And when you find it, let your bloodhounds tear out its vitals, and feast upon them, like famished vampires. For it is Death, and Death must be killed. It is Crime, and Crime must be strangled.

She was dead. She lay there, he said, in all the calm beauty of death. Ah, the tenderness of death! Ah, the sadness of death! Ah, the desolation that it brings, the hearts that it leaves empty! It is something that steals, and does not repay the theft; that breaks, and tears, and lacerates; that comes unbidden, and snatches away the dearest and best, so ruthlessly, so cruelly! Is there a whisper of calumny? Let it be hushed. Is there a finger of scorn? Let it be pointed inward. For this is death, and death is awful; death is avenging; death is the judgment of God. Rather let it be a reminder, sad though it is, and bitter though it may be, of the cup that all must drink. But far better such a death as this than that other death, which leaves not a stamp of beauty; which lays up no tender memories, but which brings only ashes, and dust, and broken hearts; and that, all in gloom and darkness, threads in pain and anguish the dreary mazes of eternity forever and forever.

Thus did the minister speak. Some persons shed tears, and others admired his eloquence, but all were impressed; and when he concluded, a painful, empty silence remained. His words had died; she had died, and they would be buried with her.

There was more than one breast that yielded up its dead that day. There were shrouded forms that lay upon the benches, and in the

aisles, and in white rows behind the chancel-rail. On some of the pallid faces of those that memory resurrected were smiles of peace and undying faith; on other faces, lines of pain, and suffering, and cruelty, and desertion; on others, tears of shame and sorrow; and on many—very many—were hard and bitter looks of accusation and revenge unsatisfied.

As the bell tolled, they took life, and held a ghostly revelry, and increased in numbers so rapidly that they filled the house to overflowing, darting unexpected from unseen sources, and crowding to suffocation. They perched upon the organ, and flitted lightly over the altar, some making strange grimaces, and shaking the finger in solemn warning. Then all was bustle and confusion, and they chased one another madly out upon the street, singing, and praying, and exhorting, and sighing, and cursing—out into the bright June sunshine, where the heat changed them into vapor, and they ascended to heaven.

Then came the next scene in this painful drama. By common consent, the crowd upon the right moved forward to view the body, while those on the left passed out, and entered again at the right, those upon the right passing out at the left. Thus a continuous stream was formed, the crowd being greatly augmented by many in the street who had been unable to gain admittance.

As they pass, and gaze upon the beautiful, upturned face, there are varying expressions of countenance, and different emotions. Here is an old man, bowed with age, with his little granddaughter, whom he laboriously raises in his arms, that she may see the face.

"Oh, grandpapa, how beautiful she is! What is she lying there for? Is she asleep?"

"Yes, my child, asleep—sound asleep."

"Asleep in church! Oh, grandpapa!"

"Yes, sound asleep—sound asleep."

And they pass quickly on, for here come two fine ladies, and they look impatient.

"Why, she *is* pretty!"

"Yes—rather."

"Give me those flowers."

"Take them."

"I'm sure they are the prettiest that will be brought here to-day. I will lay them at the head; they'll look better there."

Pass on there, women! for here come two miserable wretches, with wild hair and hardened looks—outcasts, who have slept in the prison, and oftener in the gutter—fiends that were born to be women.

"Poor thing!"

"Hush! She was better than you."

"What a pity! Oh, what a pity!"

"Hush! They are listening."

"I—I—don't like to put 'em there, 'longside them pretty ones."

"Hush! Put 'em there quick, so they won't see you."

Pass on, there, with your rags, and dirt, and uncleanness! Pass on, and be quick about it, for you have no heart nor soul—degraded things! The flowers you left are withered and dead as the memory of your innocence.

And thus they go, passing on and on. There are persons of intellect and persons of culture, and persons with heart and persons without heart, and ignorant persons, and the good and the bad—all passing on and on.

The organist is playing an air in a minor strain. Painfully sweet it seems to-day, with light and life without, and death and darkness within. In some hearts it awakens chords that better had slumbered on forever; while into others it sinks deep and tenderly, going down into unused places, and finding beauty there, and bringing it up to life.

And still they come, and still they go, passing on and on—passing by hundreds, until the church is empty.

CHAPTER XI.

Garratt had done all in his power. He and Casserly worked together, to the same end, but with different motives. Casserly looked to the duty that devolved upon him to hunt down the criminal, and there was, besides, a considerable amount of pride in the feelings that actuated his conduct. With Garratt it was different. He recognized but one ultimatum—success. To accomplish this he would scruple at nothing that could be done by legal means. With him nothing was sacred that stood in the way of this purpose. And, strange to say, it was more his construction of duty than the gratification of heartless malice. Garratt was a useful member of a certain church; could offer a good, though not eloquent, prayer, and was not mean in matters of charity that involved simply an outlay of money. He was prosperous in business, and had many friends. His disposition was rather impatient than domineering, and he was entirely lacking in every trace of sentimentality—apart from religious matters. It would be unkind, and doubtless untrue, to assert that he became one of a religious sect for sordid and selfish reasons. He was eminently a practical man—who is defined by sentimentalists a cruel, cold-hearted, selfish, unscrupulous man—but these would have been, in Garratt's case, exaggerations. It had never been charged against

him that he was not a conscientious man, or that he could be corrupted in the exercise of his official duties, or that he ever neglected his duty in the least particular. On the contrary, if blame was attached to him at all, it was for over-zeal.

The coroner's office is a peculiar one, and much like the physician's. A coroner must combine tenderness of manner with honesty, discretion, and tact. He is a sworn officer, under strict obligations to the terms and spirit of his oath; and in this he differs from the physician, who, when he receives his diploma, is simply required solemnly to promise certain things, and is not an officer of the law nor responsible to bondsmen.

Not unfrequently is it the case that decency and common humanity require of a coroner that certain cases coming under his official notice should be handled with the utmost care, and that revolting disclosures, where no apparent good purpose can be subserved, should not unnecessarily be made. This is a fact so common that all reflecting persons are aware of it. It is often better to bury a crime than expose it. Coroners, as a rule, appreciate this unwritten law, and act upon it, with the full sanction and commendation of society. It is a part of their duty, and no coroner performs his whole duty who neglects this one. Still, this is a method of reasoning that the public does not trouble itself to follow out, and so it simply says of a man who violates this obligation that he is over-zealous and too faithful; but no general bad opinion of him is thereby created. This is one of the anomalies of human nature.

Now, in order to carry out this rigorous idea of duty, a person must lack charity, that highest of human qualities. Charity and honesty may go together, but it is a curious fact that they are entirely independent of each other, and travel in different channels, and come from different sources. One may exist without the other. Charity is an impulse, and honesty is a principle. Impulses are always natural, while principles are frequently the result of cultivation. But, as a rule, principles are safer than impulses.

Garratt was not an uncommon type of men. He was utterly unable to appreciate the feelings that actuated Mrs. Howard. When he read to her the terrible newspaper report he had the hope that in the burst of anger he was sure would follow she would commit herself, or state the facts, whatever they might be. He was naturally a suspicious man, and he certainly was a hard man.

With great care he had seen that an autopsy was properly made. The course of the bullet

was traced by skillful hands, and the direction from which it came ascertained. Death must have followed quickly, and doubtless not a groan escaped the girl. Carrying out his idea persistently, he had ransacked the room for possible evidence. Without any scruples whatever, he read several letters and papers he found here and there, but had discovered nothing. One of the jurymen, however, made a strange discovery, in this manner: He accidentally saw in the grate the cinders of paper that had been recently burned.

"Doctor," he said, "come and look at this."

Garratt hurried up, stooped over the grate, and examined them closely.

"Those were letters," he remarked.

Here was a discovery. Garratt touched the cinders, and they crumbled to ashes.

"They are all burned," he said.

In fact, not a single piece remained. After admitting as much light into the room as possible, he fell upon his knees and scrutinized the cinders closely, but he could decipher not a single word. During all this examination the body of the girl was lying on the bed.

"Now," said Garratt, as all the jurymen gathered around, "you see at once that there has been no other fire in this grate. There is not a trace of ashes. These letters were thrown into it and burned, for fear they would give evidence. Who threw them in? The policeman? No. Who, then? Mrs. Howard. We see her cunning everywhere. She is playing a desperate game. Now, let us think. As she is so determined that the truth shall not be discovered, it must be of a nature that would make somebody hang. There can be no doubt of that—at least, to my mind."

"But how are you going to find out?"

"Make her talk."

"How?"

"You shall see."

"Casserly says she told him that she would not testify before a coroner's jury."

"Very well; but wait and see."

"She is a deep woman, Doctor."

"Is she?" asked Garratt, as he laughed.

"She fooled Casserly and the mob, both."

"Very good."

"Can you make her talk?"

"I promise nothing; but Casserly has positive information of the girl's whereabouts, and when he brings her here we shall see. He has gone to bring her."

"But she may tell Casserly all about it."

"I think not," said Garratt. "Casserly means well, but——"

"But what?"

"Nothing."

"She may speak of her own accord."

"She may."

He searched everywhere. The discovery of the burnt paper inspired Garratt more than ever with the importance of the case, and convinced him that Mrs. Howard must have had the strongest motives for the many extraordinary things which she had done, all tending to one end—the concealment of the facts. Garratt cannot be censured for entertaining this opinion, for the case presented many remarkable features. The inquest was postponed until further developments should be made, and in the meantime the dead girl was buried.

Casserly had seen that it was useless for him to make any further attempt at extorting a confession from Mrs. Howard; but Judge Simon felt a singular interest in the affair. Casserly depended upon him greatly in many things, and particularly in the matter of sounding the motives of the mother and son. Judge Simon was greatly disappointed that he had failed to see the young man, but would make amends by talking with the mother. This was not done until after the funeral, and before Casserly returned with Emily Randolph.

The rules governing the jail were not over-strict. It is true that ordinarily dangerous criminals were not permitted to hold conversation with visitors unless it was in the presence of a jail officer, but there were occasional violations of this important rule. When Judge Simon called Tuesday morning to see Mrs. Howard he was permitted not only to see her alone, but to enter her cell upon her invitation. The strongest woman needs a friend in time of great trouble. Mrs. Howard had from the first seen that in Judge Simon's face which strongly attracted her toward him. Not only honor did she there see, but tenderness also, and profound regard for her in her affliction.

It was generally understood that the old Judge had taken a lively interest in the case, and that he was extending valuable aid to Casserly. His high integrity raised him above all suspicion of sympathy for the unfortunate prisoner, or of any intention to assist her. Casserly looked upon him as his most valuable ally, and it was agreed between them that the old Judge should undertake the interview with Mrs. Howard. But Casserly did not have a very extensive knowledge of human nature, and was taking a risk that he knew not of. Judge Simon was nothing if not a kind-hearted man. So was Casserly; but Casserly had much at stake in this matter, and kept a strict guard over his kindly feelings. He was in utter ignorance of the fact—and so, also, was Judge Simon himself, for that matter—that the old man's

sympathy was antagonistic to Casserly's plans. Although Judge Simon doubted the truth of Howard's confession, and was ready to believe that either the mother or Emily Randolph committed the act of crime, he could not bring himself to believe, after he had seen the mother, that she was the guilty party. So he secretly agreed with himself that he would conceal from Casserly his suspicions, which, as a matter of fact, were merely suspicions, and might prove wrong. But if the mother had confessed that she was the criminal, Judge Simon would have received a terrible shock; a fact the possible existence of which he could not bring his mind to entertain.

She exhibited no surprise when the wicket-door of her cell was opened, and the face of Judge Simon appeared.

"Judge Simon! I am glad to see you."

He returned the salutation, and a moment of awkward silence followed.

"I would like to talk with you, sir. Will they let me out for a short while, or—or admit you?"

This instantly relieved him of his embarrassment. He turned to speak to some one she could not see, and then the door was opened, and Judge Simon entered.

The cell occupied the south-east corner of the jail proper; was large and airy, having two grated windows. It was furnished with a cheap bedstead, a small table, upon which stood a pitcher and wash-basin, a piece of looking-glass held against the wall by tacks at various angles in the fragment of glass, and a few flower-pots in the east window, containing geraniums that were suffering for water. There were marks upon the wall, showing that bunks had recently been removed from the cell, the indications consisting principally of discolorations produced by not over-clean occupants of the bunks as they rolled against the wall in their sleep. In addition to the names, dates, scraps of poetry, and other inscriptions on the walls, there was, on the west wall, a picture that was calculated to test the strength of the strongest nerves, and engender harrowing nightmares. It was a life-size portrait done in lead-pencil. The face was as black as frequent wettings of the pencil-point could make it, and the eyes were intensely white, and of the shape of a strung bow, with the elliptical part uppermost. In the center of each was a spot, very small and very black, representing the pupil. The remaining parts of the eyes were vast wildernesses of white. The nose also was white, and was very like the letter A with the cross taken out. The mouth was the most hideous feature, being constructed on the principle of mouths in heads made from

pumpkins. The teeth, which were each an inch long, had, in order to relieve the monotony of color, been made a violent red. Credulous visitors to the jail were told, in quite a solemn manner, that it was the correct portrait of a noted criminal of those parts.

This remarkable art production gave rise to an unexpected incident. Judge Simon was in the act of seating himself on one of the two stool-bottom chairs, when his vision was suddenly greeted with this spectacle. He involuntarily started, for he was a nervous old man, and the thing stood out upon the wall in a bold and aggressive manner. Mrs. Howard noticed his movement, and allowed her gaze also to fall upon the picture.

"It is not very artistic, sir," she said.

"Artistic! It's hideous."

"I suppose it was done by a prisoner."

"By some one held for insanity, madam. No healthy brain could have conceived such a monstrosity. But—but doesn't it frighten you?"

"Oh, no. It annoyed me a little at first."

"Why, if I should sleep in such a presence, I could not help thinking that Dante had failed to pursue his investigations to any satisfactory extent. Why, my dear madam, it is an outrage. Let me see," he said, looking around; "it stares you to sleep when you retire, and then leaves the wall and conspires with other monsters to invade your slumbers. The first thing it does in the morning is to greet you, on waking, with that horrible grin."

She smiled faintly at this conceit. It greatly flattered him.

"It is a shame, madam—a perfect shame. I'll arrange it so that its insults will not reach you."

He drew out his handkerchief, and fitted it to the wall, concealing the picture.

"What are you going to do, Judge?"

"Hide it; blindfold it; gag it; clip its claws."

He glanced around, as if looking for something, and discovered a small shelf attached to the wall beneath the piece of broken mirror. On this shelf was a comb and a brush, and a small pin-cushion. He went to the shelf, took two pins, and again stood in front of the portrait. He stuck a pin through one corner of the handkerchief into the brick wall, while he held the other pin in his mouth, and was proceeding to secure another corner, so that the handkerchief would conceal the picture, when he was interrupted by Mrs. Howard:

"You will need your handkerchief, Judge Simon."

"Oh, no; I assure you I will not. See, I have another."

"But a newspaper would do just as well."

"No; really, the handkerchief is much better. Paper would tear, and fall down, you see."

He said this in a manner of such droll wisdom that she smiled again, and this time much more perceptibly than the other.

His quick eyes soon caught another glaring defect.

"Madam," he said, "it is a great pity."

"What, sir?"

"Those flowers are dying for water."

"Oh!"

He bustled to the little table, and was gratified to find the pitcher full of water. She watched him quietly while he watered the plants.

"I like flowers," he said, suddenly.

"Yes?"

"I do, certainly. So do you."

There was a slight reproach in these words.

"I didn't think of them," she said, quite sadly.

These two trifling incidents removed the constraint that naturally existed between them, and gave her an insight into his nature; for she knew well enough that he covered the picture that its ugliness might not be an effrontery to her, and that he watered the flowers that their freshness might throw some gleam of cheerfulness into her desolate abode—both showing very slight consideration, but much delicacy, for all that.

Then he became grave, and, placing his chair near her, sat down. By an impulse, that surprised him almost as much as it would Casserly, if that official had heard him, he said:

"Madam, you need a friend—a friend you can depend upon, who can give you advice. May I be of any assistance to you?"

This took her completely by surprise. She saw at once that he was perfectly sincere, and would be glad to help her. Nevertheless, she could not so suddenly impart her great secret to any one, especially to a stranger, and when her own judgment told her that no good could come of it.

Having said what he did, the old Judge felt very much like a criminal, for he was about to betray Casserly; but at that moment he was constrained to put a higher estimate on the laws of humanity than on the laws of codes. It had often been urged, he reflected, that they were synonymous terms, and so this sustained his conscience.

She was confused. After some hesitation, she said:

"I deeply appreciate your kind proffer of friendship, sir, but I am not deserving of it."

"Tut, tut, madam!"

"And, then, a friend could do nothing for me in this case."

"A friend can always be of assistance, madam."

She smiled faintly at his persistence, but there was, nevertheless, a bright tear in her eye.

"There is nothing to be done, sir."

"Now, my dear madam, let us talk over this matter as sensible persons should. You are ignorant of legal matters. There is a strange persistency in these officers of the law that makes them hunt such things down, and resort to all kinds of ruses that you know nothing about. Mark my words: this thing will be ferreted to the bottom."

Instantly she turned to stone. He saw it, and continued:

"If it were only you from whom the facts were to be learned, the world might go down to the grave in ignorance. But there are others, and one of them has been found."

She looked up, startled.

"Casserly has found Emily Randolph, and will return with her to-night."

A shade of intense anxiety passed over her face.

"They will resort to every means, fair or foul, to wring from her the facts. Do you think they will permit you to speak to her? Certainly not."

She was so bewildered by the information that Emily had been found that she could only gasp:

"Is it quite true that they have found her?"

"There is no doubt of it. Here is a telegram from Casserly."

She hastily read it, and became convinced.

"They will misrepresent facts to her," Judge Simon continued, "and employ every means to make her tell the truth, whether by threats or any other method. You have a determined opponent in Casserly, and he has everything in his favor. Besides, he has an unscrupulous ally in Garratt, the Coroner, who will have no mercy on you."

This speech almost crushed her. Occasionally a grave suspicion would cross her mind that this ingenuous old man was practicing subtle cunning to secure a statement from her, but the thought would die before his earnest, anxious look.

"Madam, disabuse your mind of the idea that you alone can bring yourself and the others safe through this trouble. It is almost impossible. Do not be over-confident of yourself and the plans you have laid. That mistake has been the ruin of so many—so many. Again, even if the ordeal of the inquest is passed, the

examination before a magistrate will follow. By the way, an important clue has been found."

"What is it?"

"Almost a convincing one. A great many others, also, will be found, and they will warrant the magistrate, perhaps, in committing you all, without bonds. You may have to lie in jail for months yet."

"What is the clue?"

Should he divulge it? He reflected a moment, and decided.

"They have found where the pistol was bought, and when."

"And by whom?"

"Yes; your son, two days before the killing."

She sank under this terrible blow. Deathly pale, and trembling violently, she tried to utter a denial, but failed. She was speechless with grief and terror. At length, recovering her voice, she said, almost gasping:

"That is not proof against him."

"But it is a strong circumstance, and persons have been hanged on less convincing evidence. It would not be enough to convince me, but a jury is different."

She sat so helpless and pitiful that the profoundest feeling of the old man's good heart was touched. He almost regretted that he had filled her with so much alarm, but consoled himself with the reflection that it was a binding duty.

"Madam," he said, "it has been thirty years since I practiced law, and fifteen years since I left the bench. But I will forget my age, and be a young man again. I am almost old enough to be your grandfather. Listen attentively to what I am about to say. I will be your attorney. You must have one—you cannot be without one. I will take this case in hand, and do what I can for you. I will take no refusal."

There were bright tears in his eyes as he said this, for Mrs. Howard was crying bitterly—weeping as if she had not a friend in the world, but was desolate, desolate.

He stood beside her, and took her hand with great tenderness.

"My dear friend," he said, softly, "it may come out all right. I will do all that a man can do. Are you listening?"

"Yes."

"Casserly thinks I am assisting him to hunt you down. Do not let him know any better. He depends very much upon me, for he knows that I have a better knowledge of such things than he. Casserly would feel desperate and undone if he knew that I am against him. You and I will work together against him. We will meet cunning with cunning. I don't ask you for any confidences now. There is time

enough for that. Compose yourself when I am gone, and think calmly over it. But for all you do, don't deceive me or mislead me; don't betray me and my friendship for you. Will you promise that?"

"Yes," she answered, in a whisper.

"Then I will put implicit confidence in you."

He went to the door, and rapped with his pocket-knife upon the wicket-door. She arose hastily, and approached him, and took his hand.

"I want to thank you," she said, brokenly, between her sobs.

"Tut, tut! It is nothing."

"If—" she continued, "if they find my son—or Emily—says anything—I'll tell you—the truth."

The footsteps of the jailer were heard, and she went to the window. The door was opened, and Judge Simon passed out, his old head trembling somewhat with agitation.

Long did Mrs. Howard stand at the window, gazing at the court-house, examining minutely the arabesque carving of the brackets beneath the coping; gazing at the trees in St. James Square; gazing far beyond them at the foothills, which soon became tinged with the soft glow of the setting sun; gazing far, far beyond them at the reddish-blue sky, and vaguely wondering how far it was away; gazing, gazing, till night came on and wrapped the city in gloom.

It must have been about nine o'clock when her meditation was interrupted by the sound of carriage-wheels in the passage-way. The carriage halted at the gate. Soon afterward she heard the faint tinkle of the jail bell. It seemed an age before the jailer appeared in the yard below, bearing a lantern and a bunch of keys. He cautiously opened the small wicket near the door, and the gruff voice of a man asked him to open the door. He evidently recognized the man, for he instantly obeyed.

Casserly entered. Clinging to his arm was the fragile, timid, hesitating form of a girl. The light from the lantern fell upon her face, which was pale and frightened. The two burning eyes in the window above recognized Emily Randolph.

A shrill cry startled Casserly. It came from above. It was a despairing cry:

"Emily, my child!"

The girl looked wistfully around, not knowing whence the voice came, but recognizing it instantly. She had halted. Casserly uttered an imprecation, seized her in his strong arm, and dragged her hurriedly to the jail door.

"Emily, remember!" came the cry again, as the door slammed noisily and shut them in.

Oh, John, how could you, how could you!

CHAPTER XII.

Dust. Great clouds of it. Immense billows of it, rolling one upon the other, chasing one another, wrangling and contending, grim, silent, and aggressive; angry dust—dust that had been trodden upon and ground under the heel until it rebelled. Now it leaps madly up as a tormenting gust of wind sweeps down the mountain-side and stirs its ire; then, expending its venom, it lies, snarling, down again, only to spring up with renewed vigor and fasten its fangs upon the feet and legs of two pedestrians toiling wearily through it and maddening it to desperation. It had been patient for so long—for ages; had slept peacefully while men came into the world and passed away, and generation followed generation to the tomb. Dust whose empire had been usurped, whose domain had been invaded. Dust which had lain contented through ages, and rose up in arms against intrusion. Fierce and determined, it sent detachments to settle upon the leaves and hide their beauty; others to choke the thrush, and hush his song; others to scamper wildly down the mountain, and up the mountain, and raise the devil everywhere.

The two pedestrians trudged wearily through it, covered and begrimed with it. One was a young man; the other was older, and would have been quite tall if the crooked places in him had been straightened out. The younger man was silent and gloomy, and the other watched him furtively, as if wondering what he would next do or say.

"A many a time," said the older, "I've hed sech work to do. Onct I cleaned out a poker sharp in Ferginny City, an' then he got on his ear an' said ez how he'd chaw me up. Well, I don't like to blow, but they've got to git up early in the mornin' to chaw *me*, fer I'm purty good on the chaw myself. Samson's riddle warn't a circumstance to the chawin' thet was done thet day."

"Did you eat him?"

"No; oh, no; I chawed him."

"Simply chawed him!"

"Thet's it—simply chawed. Chawed him up so fine thet his friends couldn't tell whether he had swallowed a load o' giant powder, an' it hed gone off in him, or was a bear-skin, tanned by the chemical pro-cess. Then I lit out. They traileed me up into the Sierry Nevaiddy—"

"What for?"

"To kill me, I reckon. Thet was about the size of the tune they wanted to play on *my* fiddle. But when they ketched up with me, *I* was thar, too."

"Indeed?"

"Yes; thar, small but nat'ral; thar, from the crown of my head to the sole of my foot; six long foot of me thar; a hull infantry battalion of me."

"What then?"

"I drewed up a set of resolutions ez how I was a harrycane an'—"

"A what?"

"Harrycane—tornado—water-spout."

"Oh!"

"Then we went at it." Saying which the man looked around with an air of indifference, and of disclaiming modesty.

"What did you do?"

"Modesty ferbids me, Mr. Howard. Ye're a brave man, an' kin respec' silence. All I'm pertickler 'bout addin' is thet I'm here—six long foot of me, an' a few inches to spar', hevin' growed some sence then."

They plodded along through the dust, that lay three or four inches deep in the road, and maintained a silence for some time.

"These are lovely mountains, Sam."

"Yes, very good. Plenty o' b'ar in these here Santy Cruz Mountains. I'd like to tackle one, jist fer a change. It's a-gittin' lonesome."

The road wound along the side of the mountain, and on either side was abundant growth. Far below them was Los Gatos—an unpretentious stream at that point—and they could catch glimpses of it at rare intervals, sparkling in the sunlight.

As they were thus trudging along, the Crane inadvertently stepped into a hidden rut that had been cut by the heavy lumber wagons, and, as it was filled with dust, he did not observe it, but tumbled sprawling to the ground. He uttered a horrible oath, and regained his feet, swearing vengeance on everything.

The Crane had a vast respect for the young man. It was inspired by the following incident, which occurred soon after they had abandoned the cart: Howard insisted on their separating, but the Crane begged so earnestly, and with such positive indications of fright at being abandoned, that the young man consented to retain him. The Crane knew that he himself was a criminal, for having conspired in the escape of the prisoner. Their community of interests brought about a kind of familiarity. So, after they had walked a few hours together, the Crane asked, in a confidential manner:

"We're kind o' in the same boat now, an' yer'd better tell me why yer killed her, hadn't yer? 'Twould ease yer mind, like."

Howard turned angrily upon him, seized the lapels of his greasy coat, and, glaring at him like a tiger, in a quiet but angry tone said:

"If you ever mention that subject again, I'll cut your throat from ear to ear."

This frightened the harmless Crane nearly out of his wits, and he hastily promised that he never would advert to it again.

Thus the Crane knew he was a brave man, and so mentioned that fact while they were plowing through the thick dust of the mountain road.

For four days they skulked in the mountains, buying food at isolated farm-houses, and sleeping in the fields or in the woods. Howard was attired in a suit of rough clothes that the Crane had purchased for him, his own having been taken by his mother to dress the effigy; and, with black whiskers that were cropping out, and in the dirt and dust that covered him, was not recognizable as the young man of the crime. There never was a question by those who saw them but that they were tramps; and, in order to carry out this illusion, they sometimes begged for food. Besides, their supply of money was limited. The Crane bore the proud distinction of being the treasurer, Mrs. Howard having given him all the money she had about her, which, as bad fortune would have it, was only twenty-five dollars. It is true that she had given the Crane her watch, which, with the chain, was valuable, but they dared not offer it for sale; and Howard had in his pocket a diamond ring that she had forced upon him, but it would have been a fool-hardy step to endeavor to sell it.

The Crane had another reason for keeping Howard in sight, and it was no other than the fear of losing the five hundred dollars that Mrs. Howard promised him if he succeeded in keeping her son from arrest. As the payment of the money was contingent on this, the Crane dared not lose sight of him, fearing that the young man would again surrender himself.

As the two men had avoided the thoroughfares, they were ignorant of everything that had transpired since the riot. In escaping and remaining concealed, Howard was simply obeying a strong appeal by his mother, and not following an inclination of his own. The possibility had never occurred to his mind that his mother and Emily Randolph would be apprehended and thrown into prison. Rather than have even this indignity put on either of them, he would have persisted in his confession of the murder.

A desire to learn something of the way in which his escape was regarded became so great that it could no longer be denied; and Howard trusted to his disguise to shield him from identification. They were, therefore, finding their way to a staging station, to see the newspapers,

and were walking through the dust to reach it. As they neared the station, a strange dread seized them, and they instinctively practiced greater caution, darting from the road into the brush whenever they heard an approaching team.

At length the station was sighted. It was upon a plateau that formed the top of one of the lower mountains. The level ground was planted in fruit-trees, while the slopes were covered with vineyards. The station consisted of two buildings. One was the dwelling of the proprietor, and the other contained a store, saloon, and post-office combined.

Howard left the Crane in the brush, knowing that with persons of any powers of observation the Crane would be recognized at a glance; his appearance was too remarkable not to attract attention. Howard found a few loungers at the store, as it was about noon, when some laborers dropped in for a drink and a chat. He walked boldly into the store, the animated conversation that was going on being interrupted by his entrance. There was a rough-looking clerk in the store, who simply stared at the intruder, without rising from his seat.

"Who has charge here?" asked Howard.

"I have."

"Will you be so kind as to get up, and walk behind that counter?"

"Maybe, if you want something."

"I want something, then."

The clerk slowly came to the perpendicular, his joints snapping with the effort. It is a strange physiological fact that the joints of lazy men snap more willingly and more heartily than do those of other men. This is particularly noticeable with those who indulge in the dissipation of snapping their finger-joints. The clerk laboriously walked behind the counter, and then collapsed, falling upon the counter, and supporting his weight thereon with his elbows.

"What d'yer want?"

"A drink."

The man of unstrung energies then painfully straightened himself again, and handed out a bottle and a tumbler.

"Will you take something?" asked Howard.

"Don't keer if I do," replied the man, yawning as if dissolution were imminent.

After drinking the vile liquor and paying for it, Howard seated himself on an empty box, and picked up a newspaper. It was with a degree of anxiety and pallor that he sought for news. At last he found it.

He found it and read, and it nearly unnerved him; his breast heaved with anger and indignation. So absorbed was he that he forgot his

surroundings, until one of the men startled him with the remark:

"Must be kind o' interestin' news yer're readin', stranger."

Instantly he was calm again.

"It was the whisky that made me sick," he replied, quickly.

The clerk took this as a personal affront.

"It's as good whisky as yer kin git in these mountains," he replied, indignantly.

Howard did not argue the point. The news that he had read was a recapitulation of all that had occurred since the riot; and it was further stated that Emily Randolph, it was believed, had made a full statement under Casserly's ruse (which was Howard's pretended implication of her), and that there was no longer a reasonable doubt that justice demanded the immediate capture of Howard, for whose apprehension a heavy reward had been offered by the Governor. It was noted, however, that such statement by Emily Randolph was more a surmise than anything else, which was based on corroborative circumstances tending to fasten the crime on Howard, and on the strenuous efforts that the authorities were making for his arrest. Casserly, it was said, was very reticent, but admitted frankly that the case was as strong as he could wish—against whom he would not say.

Howard rose to his feet with the old spirit of reckless desperation. That his mother and the girl should be in prison, and under suspicion, was more than he could bear.

The conversation of the men turned on this subject. They wondered if Howard was still hiding in the Santa Cruz Mountains. Some thought not, but that he was making his way to the south. During this conversation the eyes of the clerk were fastened steadily on Howard, who finally rose, and, bidding them good day, sought the Crane. He found the latter gentleman where he had left him.

"Sam, I'm going back to San José. You may stay, if you prefer."

The Crane was greatly surprised, and eagerly demanded an explanation. Howard doggedly refused to give it, and turned to walk away and carry out his purpose. An unusual and dan-

gerous glitter came into the eyes of the Crane. He sprang before Howard with surprising agility, and said, fiercely:

"You shan't go."

"Eh?" demanded Howard, halting, and staring at him, bewildered.

"You're a-goin' to stay right here," said the Crane, as he whipped out the famous sheath-knife, and assumed the half cowering posture of a timid man who knows that his adversary is unarmed and helpless.

The two men glared silently at each other a moment. Then Howard began to step slowly backward. The Crane, mistaking this movement for fear, approached. Howard halted, and the Crane did likewise, holding the long knife in readiness to strike. A coward is a dangerous foe under such circumstances, and Howard knew it. He would take no desperate chances now, for his life was precious. Howard saw the uselessness of an attempt at parleying. He suddenly turned and fled rapidly, putting considerable distance between himself and the Crane, who sprang after him. But Howard had all his wits about him. At the first opportunity, after they had run nearly a quarter of a mile, he picked up a heavy stave, and turned upon the Crane. The latter halted so suddenly that he nearly fell. It was Howard's turn now to advance. He did so, and the Crane fled precipitately—ran like a deer, bounded over logs and bushes until he disappeared in the distance. Howard abandoned the chase, and turned his steps toward San José, soon forgetting the incident in the great cares that bowed him down. He thought of all manner of impossible things that ought to be done, and the determination commenced to take root in his mind that he would murder this villain called Casserly, for the wrong he had done the defenseless girl.

But there was a danger lurking in his road that he knew not of. The Crane followed him stealthily, with the knife in his hand, and only biding his time. If Howard were dead, and his body concealed in some mountain gorge, the Crane could claim his bribe with impunity; for Howard would then be far beyond the reach of earthly justice. W. C. MORROW.

[CONTINUED IN NEXT NUMBER.]

A STRANGE CONFESSION.

CHAPTER XIII.

Howard felt the necessity of reaching San José with all possible dispatch. But he was compelled to walk, and the distance was about fifteen miles. He hoped, however, to fall in with a wagon; but night had overtaken him, and he had found no assistance. It was impossible for him to sleep. Already he was weary and footsore; but he was capable of great endurance, was full of youth and life and strength, and was spurred forward by a powerful desire to shield those who were so dear to him. He could do this with perfect ease. The case was plain enough—his surrender and confession would relieve them of all suspicion.

He was, as Judge Simon had conjectured, an extraordinary man; but, after all, a confession of a crime is not an uncommon thing. Frequently the commission of a desperate deed is the sole purpose of life. When it is done, everything is accomplished, and the problem of life has been worked out, and the end reached. In such cases, unless coveted death comes to his relief, the criminal thereafter leads a miserable, broken life. It requires a peculiar temperament to bring about such a condition. There must be morbid sensitiveness and a quick conscience. Hope must be dead, and all the charms of life must be changed to bitterness.

Perhaps Howard was playing a deep game, and saw a way out of the difficulty.

Nevertheless, his purpose was strong, and no power in heaven or earth could shake it. Having a sound judgment, and fully relying upon it, he would accept from no one any advice. As Judge Simon once remarked, it was strange that the young man should persist in a course which he knew would break his mother's heart. Was this merely an alternative?

Howard trudged heavily along the road, following the windings of Los Gatos. The stream had not yet subsided to the volume of a mere brook, and sometimes the road, which frequently traversed the bed of the stream in dry weather, wound in and out among clumps of shrubbery on the bank.

It was some time after dark that he found himself confronted by a tall man, who stood perfectly still, awaiting him. He had been walking with his head down, absorbed in his thoughts. He suddenly halted, and his heart

leaped with a strange dread. He had caught sight of the man with much the same feeling that one sees an object in the room at first waking, and which, but imperfectly seen and understood, takes on a hideous shape, and causes fright; or as, when walking in the dark, one catches sight of an object that seems immediately near, when, in fact, it may be a great distance away.

Howard was hardly susceptible to fear, but being of a nervous temperament he was easily startled. His first impulse was to address the silent figure. Then he laughed at his temporary timidity, and went forward, expecting the man to stand aside, or speak, or show some sign of life. At this time he was about ten feet from the man. Howard was greatly surprised to see him make a movement as if to spring forward, with his right arm raised, and something in his hand. This could barely be seen in the gloom. The man, however, suddenly checked himself, sprang aside, and disappeared in the brush. Howard called after him, but received no answer, and presently everything was silent again.

This strange occurrence filled the young man's mind with forebodings of no pleasant character. He went on, pondering deeply on it, when suddenly he uttered a suppressed exclamation:

"The Crane!"

Was this man hunting his life, and did his courage fail at the supreme moment? Howard was almost in his power. A quick stroke might have done the work, though the young man was active and strong, and might have turned the tables. He searched his mind for an explanation, and then discovered it: the Crane would murder him, and hide his body, and claim Mrs. Howard's offered reward. Howard smiled in some bitterness as he reflected on the fact that the means his mother had adopted to save him were now directed against his life. The Crane did not know of the reward for Howard's arrest that had been offered by the authorities, which was ten times as great as the stake for which he played.

"Very well," thought Howard. "If he attempts it again I will tell him of the Governor's reward, and permit him to arrest me."

Still, this conclusion did not banish the dread he experienced, for the Crane might strike him

in the back unawares. The young man did not really believe that the Crane would again make the attempt; but his recent narrow escape filled him with alarm, and he was determined to be on his guard henceforth. With brisk walking he ought to reach San José by sunrise; but the whole night was before him, and his position was perilous. As a precautionary measure, he armed himself with a heavy stick, which he used as a walking-cane, and again walked briskly on.

The night was still, and the least sound could be heard a considerable distance. Once or twice he thought he heard the crackling of twigs as of some one walking along the mountain-side, and on such occasions he halted and listened intently, and heard nothing more. He grasped his stick firmly, and trudged on, never passing a clump of bushes or a large tree on the road-side without expecting the appearance of the Crane.

About ten o'clock he heard behind him, faint in the distance, the approach of a wagon. Just as he had halted, and was straining his hearing to catch the sounds, something sprung upon his back, fastening its fangs in his shoulder, and suddenly jerking him to the ground. He fell upon his back, and his assailant pressed his knee upon his breast, and raised a knife, and struck. Howard caught the wrist, and the Crane made powerful efforts to liberate his hand; but Howard held it like a vice. A quiet struggle then ensued. Howard was a stronger man than the Crane, and easily held the right arm of the latter with his own left hand. But he could not rise. The Crane held him to the ground. It was then merely a matter of endurance and time. Whoever should get possession of the knife was the victor. The Crane closed his fingers on Howard's throat, and Howard tore his hand away, and thus held him firmly by both hands.

The wagon rapidly approached. The Crane suddenly became aware of its proximity; and, cursing and twisting, attempted to rise; but Howard pulled him down, and held him.

"Hello, there!" called one of the two men in the wagon, as the horses reared with fright at the strange sight in the road.

No answer was returned. They alighted, and approached cautiously. The two men on the ground were breathing audibly.

"I believe they are the men we want. Who are you? What are you doing?"

"Take that knife from him," said Howard, speaking with difficulty, all the Crane's weight being on his chest.

"Fighting, are you?" replied one of the men, as he secured the knife, which the Crane willingly yielded up.

Howard released his grasp, and the Crane rose, followed by Howard. The two strangers were greatly astonished. The Crane remarked: "He was a-tryin' to git his work in on me, an' I got the knife away from him, and throwed him down."

Howard simply smiled at this statement.

The man who had remained in the background, seeing that the danger was over, stretched himself, causing apparently every joint in his body to snap. He slowly produced a revolver, and said:

"Ye're the man I'm lookin' fer, Howard. Ye're my prizner. Ye wasn't satisfied with killin' a girl, but ye wanted to put this fellow out o' the way."

Howard made no reply. The men bound him, and placed him in the wagon; and during all the time thus occupied, Howard did not utter a word. As he took his seat in the floor of the wagon, one of the men grasped his collar, that he might not escape.

"Hello! What is this?" he exclaimed.

He released his hold, and examined his hand.

"Blood," he said. "Where're you cut, young man?"

Howard sullenly remained silent. The man lighted a lantern, and examined his prisoner's shoulder, and found a knife wound.

"Aha!" he exclaimed. "That was struck from behind."

Then he looked around for the Crane, who had disappeared.

"'Pears to me," said the man of noisy joints, as they whipped up the horses, "jedgin' from the wipe he fetched ye in the shoulder, that ye warn't the man on the kill. 'S thet so?"

Howard deigned no reply. He was peculiarly a stubborn man, and scornful of many things.

"Well," mused the clerk, "I reckon ye're right to hold yer lip. Mebbe he hed a proper grudge agin ye;" saying which, he relapsed into silence, and the wagon bowled along the mountain road through the dust.

With all necessary pomp and decorum the two men turned over their prisoner to Casserly. They related with much satisfaction their acuteness in discovering the outlaw through his profound disguise, and his cunning behavior in attempting to escape identification, and the sanguinary struggle they witnessed in the road.

Casserly was grateful. His plans all worked smoothly enough, and he had little of which to complain. The prisoner's wound was very slight, for the Crane in his excitement had missed his mark.

The problem that now confronted Casserly was this: While there could be no doubt that

all three of the prisoners were cognizant of the facts connected with the death of Rose Howard, it was utterly improbable that all were guilty; consequently, the criminal must be one, or perhaps two; and the difficulty lay in extorting a statement from any one of them. Casserly had studied this problem from every point of view, and he and Garratt had discussed the matter at great length. It was quite true that the testimony of Emily and Mrs. Howard could be dispensed with, for John Howard reiterated his confession, adding that neither his mother nor the girl was connected with the affair in any way whatever. It was his own concern, he said.

Casserly was somewhat startled to hear Howard say in some confusion:

"I killed her accidentally."

"Ah," thought Casserly, "he is regretting already, and is commencing to hedge. I will talk further with him about this."

Howard was again in the Little Tank, which had been made secure.

"I regret," he said, in a calm manner, "that I informed you the shot was fired accidentally. I regret it, because I surrendered myself as a murderer, whereas accidental killing is not murder; and in this particular there is a variance in my confession. But let me put the case to you in this way: When I saw that I had killed her—she was very dear to me," and the prisoner's voice was not quite steady as he said this—"I was in despair, and acted impulsively. Again, if I had at first said the killing was accidental, it would, as matters have turned out, have been discredited by all the evident efforts my mother has made to shield me."

"If it was accidental, why did she wish to shield you?"

"Because, in my despair, I neglected to tell her that it was accidental, and she acted under misapprehension."

This explanation completely disarmed Casserly. It was the solution of the whole mystery, and was so unexpected as to be a violent surprise. He sent for Garratt, and related this new development.

"I would by no means accept it," said Garratt. "Why did you buy the pistol, Howard?"

Garratt's brusque manner incensed Howard, who regarded the Coroner with a look of scorn. Turning to Casserly, Howard quietly said:

"If you take this—person away, I will explain it."

Garratt turned on his heel and left, boiling with rage. Before he had got beyond ear-shot, Howard said, deferentially, to Casserly:

"If you have no serious objection, I will thrash him."

Casserly smiled gravely at this *nonchalance*. Garratt cast a terrible look upon the prisoner, and then passed out.

"The purchasing of the pistol," said Howard, "was merely a circumstance. I bought it for the simple reason that burglaries are so numerous now."

This was plausible, for house-breakers infested the town.

"Why didn't you explain this matter to your mother when she stole you from the mob?"

"Because she would not let me speak, the Crane being present; and, to be sure that I should not, she removed my clothes, stuffed them with straw, secured the two placards, and did not, during the whole time, remove the gag from my mouth, fearing I should say something that it would be dangerous for the Crane to hear. It was after she left me that the Crane removed the gag."

"Did she untie your hands?"

"No."

"How did she remove your coat, then?"

"She cut the sleeves with a long hunting-knife."

Casserly nodded, and said:

"That's right; the sleeves were cut. You would have removed the gag and explained if she had released your hands?"

"I might have done so, and I might not. There was no necessity for it."

"Why did you not come back as soon as the Crane released you?"

"I saw no necessity for that, for I did not know that my mother had been arrested, or that Emily had fled, or that a reward had been offered for my arrest, until I read the account in the store of the man who arrested me. As soon as I did find out that it had taken so serious a turn, I started to come, and was overtaken and arrested. Furthermore, after I had regained my liberty the possibility occurred to me that my statement of accidental killing would not be believed, and I valued my mother's happiness too highly to run the risk of the gallows through a possible unwillingness of the jury to credit my statement."

At Casserly's request, Howard entered into the minute details of the killing.

He was explaining to his cousin the use of the revolver, when it was accidentally discharged.

Casserly would have been perfectly satisfied with this statement, though it caused him disappointment and chagrin, and he could have effected the young man's release; but Garratt, whom he immediately sought, laughed at him for his credulity, and made him waver.

"I am surprised," he said, "that an experienced man like you should be hoodwinked by

such a shallow story. It seems probable, but I tell you it is *not* true."

"Why not?"

"Well, one reason is that his perturbation and excitement at the time of his surrender should have been grief. Again, it is altogether improbable—and you know it is, Casserly—that he should have neglected to inform his mother at once."

"Then, what do you think is the truth?"

"I am forced to one conclusion, Casserly. I hardly believe the boy is guilty, though his face shows that he is capable of anything?"

"Who is guilty?"

"The mother."

This was the first time that such a proposition had been put in definite shape, and Casserly unconsciously felt his heart sink.

"What is your reason for thinking that, Doctor?"

"You know we have learned that Rose Howard was a dependent, while Emily Randolph has a large property. The mother is proud and ambitious. She induced this girl to visit her, in the hope that she would win her son, who, I believe, loved the dead girl, and was broken-hearted at her death. The mother, finding this to fail, murdered her niece. Knowing that his mother committed the deed, and having nothing more to live for, he surrendered himself to save his mother. Now, see what a craven coward he is: after having had time to reflect upon it, and regain his equilibrium, he commences to retract and modify. It is our duty, Casserly, to bring the right person to justice. It would be wrong to allow this young man to be tried, and possibly convicted, for a crime of which he is not guilty."

Casserly was silent. The Coroner's words impressed him deeply.

"Oh, by the by, Casserly, did I show you this letter?"

"What is it?"

"A long letter from Howard to his cousin. It was found this morning. That will convince you."

Casserly read the letter. It was an earnest outpouring of the deepest affection. It puzzled Casserly exceedingly. Then he noticed the date.

"Why," said he, "it is ten months old."

"That makes no difference."

"He might have changed his love."

"Bah! Are you looking for excuses, Casserly? Again, on the night of the killing the mother raved, and said, 'My poor boy, my poor boy!' What did that mean? Simply that she regretted the act, and feared the effect on her son."

"What would you suggest?"

"We will make the woman confess."

"How?"

"By confronting her with her son's confession. We will let her know nothing of this new phase he attempts to thrust upon us. She is very deep and wily, and may find a way to explain it all. But I feel certain that she will not permit him to stand trial; and, if we are cautious, we may extort a confession. I have seen the girl. It is utterly useless to try anything in that quarter. She has no confidence in her own shrewdness, and, besides, leaves everything to Mrs. Howard: so will not speak."

"Well, I am willing to try it," said Casserly, reflecting.

"It is your duty, Casserly. Now listen. I suspect Judge Simon of a great deal."

"What?" asked Casserly, opening his eyes.

"Never mind now. For all you know he might have arranged this last plan, and the mother may know all. But you must not let him see Howard again, and he must not know what has occurred, if he doesn't already know. Let us go and confront the woman."

This they did at once.

CHAPTER XIV.

They found her looking weary and broken down. She received them graciously, but with some reserve. This alarmed Garratt. He asked:

"Has Judge Simon been here this morning, madam?"

"Yes."

"I suppose he told you of your son's arrest."

"No," she replied, becoming very pale, and much frightened.

Garratt was triumphant. Evidently the old man had not heard the news.

"Yes; he was brought in this morning."

She regarded them eagerly and anxiously. It could plainly be seen that her strength was failing, and that, with shattered nerves, she was not the woman of two days ago. She had been unable to sleep, and could not partake of food. In spite of her strong efforts to retain complete mastery over herself, she failed, and her face betrayed her. The most powerful agency that hunters for criminals can employ is to wear out their game, and bring it to bay through exhaustion. The principle is this: anything is preferable to suspense.

"I see no chance for him, madam; he protests his guilt."

She remained speechless a long time, and then asked:

"Will you let me see my son?"

"It is out of the question, madam."

Again was she silent. Presently she asked:

"May I speak to Judge Simon?"

"He has gone to San Francisco to remain a few days. He left this note for you, as he was called away suddenly."

She read the note, which ran thus:

"MRS. HOWARD:—I think it will be far better for all concerned to make a full statement. I advise you to do this. Trust all to me. ADOLPH SIMON."

This was the severest blow she had received. Was Judge Simon betraying her? Many conjectures rapidly chased one another through her weary brain; and then she hung her head, and gave up all hope. She had staked her all, and had lost. It was impossible that Judge Simon had betrayed her. She banished the thought, ashamed that she had entertained it a moment. "Trust all to me." That meant a great deal—it meant everything. Perhaps, then, it were better to tell the whole truth. Perhaps he saw a way through it all. He was deeply learned in all matters pertaining to the law, and his judgment was better than hers. What would be the effect of prevarication? It may destroy the effect of the truth, if the truth must be told at last. She pondered long and deeply. The way was dark, and she groped blindly, and stumbled, and —

"I will tell you the whole truth," she said at last, in her soft, musical voice, but with pain in her eyes.

Again did she become silent, as if unable to utter the words, or as if pondering beforehand on their effect.

"Well?" asked Garratt, his voice startling her.

Then she hung her head, and would not look them in the face, as, in low tones, she told the following story, raveling, the meanwhile, a handkerchief which she had torn to bind her aching temples:

"I had hoped," she said, "that I would be spared this conf— statement. I had hoped that my son's innocence would be established; and that, all suspicion having been removed from him, it would not rest elsewhere. At first I did not believe that justice would be so persistent; and in my blindness I thought it would become weary of the hunt. I hoped that, as there was so little to be gained by the discovery of the truth; as nothing demanded it but a strict construction of justice and the clamor of the people for a careful investigation; and as it would destroy happiness and, perhaps, life, without recalling the dead—I hoped that justice would become weary, and desist. Doctor

Garratt," she continued, regarding that gentleman steadily a few moments, "after you have heard what I am about to say, I hope you will not regret your zeal. I trust that in years to come, when age shall have bowed you down, and the grave opens at your feet; or when, by some unexpected means, sorrow may overtake you, and your heart thus become softened, and opened to the memory of things that you have done, and of acts of harshness or kindness that, through a sense of duty, you have performed—I trust that then you may not regret your zeal. I shall pray that, for your own happiness, and that of your wife and children, you may never learn the grand truth that human charity is the noblest virtue, nor that the standard which the purity of our own lives raises up for all other lives is not always lasting. You have hunted me down, Doctor Garratt."

She dropped her eyes to the handkerchief which she was raveling, and pulled out several threads at once, causing the fringe to lengthen perceptibly.

"Mr. Casserly," she continued, "I believe you have done your duty. I think you have noble and generous impulses. It is my opinion—though I may be mistaken in my estimate of you—that if you had relied solely on your own construction of right, this last extremity would not have been reached—it would have been unnecessary. I am sure that what you will learn from my recital will pain you, even though it may not plant a sting in your conscience. Your regret will be, not alone that justice is harsh, but that you have been led to believe that justice is necessary. I have no reproaches for you, Mr. Casserly."

The fringe was lengthening very slowly.

"Gentlemen, my son is innocent. It makes little difference to me whether you think I am attempting to shield him or am telling the truth. Indeed, I think that you expected me to protect him. I rescued him from a terrible death, and at the same time tore him from the grasp of the law. I would have done it though he had been guilty of the darkest crime that history knows. I would have saved him though he had attempted my own life. He is a noble boy. I knew he would be, when, as a babe, I held him to my breast; and doubly great did my devotion to him become when his father died, ten years ago. He is my only child, and, what is infinitely more, my only son. And no circumstance has ever transpired to shake my love for him, or to make him other than what he is at this moment—my king."

She paused after saying this, for her voice was husky, and she was busily engaged in re-

moving a tangle in the fringe, which, being long, was becoming rebellious.

"Is it possible, gentlemen, that none of you have understood his nature well enough to see that his persistency in avowing his guilt is unnatural? Are you so blind to truth, and so absorbed in an insatiable desire to mete out punishment for a crime you know has been committed, that you cannot see his motive? Consider: he is not a man capable of cool and deliberate calculation. His nature is impulsive, because his heart is warm and generous. What, then, would be the natural consequence? Suppose that he loved his mother even with the love of simple gratitude; suppose that this love was merely an appreciation of his mother's devotion; suppose that from this source came not a tenth of the love he bore his mother, but was the deeper and truer love of a son—a love that would live through a mother's cruelty, through her disgrace, through her poverty, through everything, even hate—what would he do were she in great distress? Think of that carefully. I would ask you, Mr. Casserly, what would you do for your mother?"

She raised her eyes, and regarded Casserly for a moment, while he looked only at the floor. The fragment of cloth was now half raveled, and the length of the fringe gave her considerable trouble; so she tore away the hem from the other side, and started afresh. The threads began to fall rapidly on the floor.

"You will readily understand, and believe his innocence, when I tell you the history. Rose Howard was adopted by my husband when she was quite a child. She was a sweet, lovable, unselfish child, and we loved her dearly. She brought so much sunshine into the house! Her flaxen hair, and rosy cheeks, and bright blue eyes, and cheery child's laugh, transformed our quiet home. My boy had always been grave, and so dearly did he love me that he watched with jealousy my growing love for the little girl, and would have learned to hate his little cousin; but she would throw her arms around his neck, and kiss him, and laugh at him, and show in so many ways how sweet she was and how much she loved him, that he would kiss her in return, and laugh as heartily as she. I was ambitious for my son. He developed a strong mind and stanch principles, and I saw a brilliant future awaiting him. As they advanced in years it began to dawn upon my mind that the bright little beauty had become very dear to him. This grieved me much. Ah, what a mistake I made! My ambition blinded my love. Then I sent him away to college. After acquiring a fair education in America, I sent him to Europe, and he gradu-

ated with high honors. Two years ago he returned. You cannot imagine how proud I was to see my boy a strong, handsome man, free from contamination with the corrupting influences of the world, and gentle, kind, and brave. My heart had so yearned for him during all the years that he was absent that I lavished a wealth of love upon him. His cousin was just merging into lovely womanhood. She had become more quiet, but was cheerful and happy. The children had regularly corresponded, and, though they employed endearing and affectionate terms, there was nothing to indicate more than the natural love between brother and sister. When they met, there was a tender, touching welcome from her, and he took her in his strong arms and smothered her with kisses. I thought little about it, but presently Rose, who had been quietly holding one of his hands while I held the other, slipped away to her room. I soon went to find her, and saw her lying on the floor, crying.

"Rose, my child," I asked, "what is the matter with my little girl?"

"Oh, mother," she replied, "I am so glad he has come! It almost kills me."

The poor woman worked nervously at the raveling, and two bright tears trembled upon her lashes, and then dropped upon her hand. The strip of cloth was becoming narrower and narrower, and the fringe was very much longer.

"It distressed me exceedingly, but I lived in hope that the extensive knowledge my son had of the world; the number of charming women he must have met; the callousness that, perhaps, numerous love affairs had produced; the keen appreciation I knew he had for a bachelor's freedom; the lack of restraint that I knew he loved; an ambition to utilize, in the study of law, the extensive knowledge he already had acquired; the desire I knew him to possess to mingle as much as possible with learned men, and to be free from the obligations to seclusion that a married life imposes—all these, in addition to a desire that I thought existed in him to marry, if at all, a woman of the world—brilliant, rich, worshiped by society—these, I thought, raised up a barrier between him and his cousin. But I was fatally mistaken in his nature. I found that the world, as it does with all but ordinary natures, had broadened his views and made liberal his ideas. I discovered that wanderings in strange lands, among strangers, had taught him a deep and holy appreciation of home, and of the quiet and happiness it affords. I learned that his nature was more affectionate than ambitious, and that he was warm—sometimes impulsive—but, withal, singularly quiet and unobtrusive. Modesty was a prominent

feature in his character. He was not a seeker for novelty or excitement. Still, it was a peculiarity with him that he could readily accommodate himself to whatever surroundings he might have; but, for all that, he had a choice in all things. He was remarkably unselfish, liberal, and charitable. I had some means—enough for all purposes as long as either of us might live; but he was not extravagant, and his wants were very few. And it struck me as being particularly singular that he despised my money, though he endeavored to conceal his feelings; and I saw that his greatest aim in life was not to win fame, nor become a hero or a wealthy man, but to live independent of my means. I must confess that this disappointed me greatly. I saw that he had more pride than ambition, and that his will was stronger than mine. It was then that I felt his power and superiority, and thenceforward he was my master. It made me love him the more, and cling to him the closer, and depend more on his better judgment in all things; and it was not without a pang of wounded pride that I, who had from girlhood been a queen in my own home, and who had held him on my knee when he was a helpless infant, saw him rise up in his great manly strength and conquer me. I looked up to him, and worshiped him, and this is the punishment that God has visited upon me.”

And still the fringe grew longer and longer.

“It was his unconquerable pride that opened my eyes to the fact that he would not marry for money; that, other things being equal, he would marry poverty in preference, and fight his way through the world, proud and independent. Still I did not despair. Learning that Emily Randolph, the daughter of an old friend, was threatened with consumption, I offered her a home in my house. Though not a brilliant girl, she had been given superior advantages, and had well availed herself of them. I knew that my son loved his cousin—how deeply I did not know, but I believed she was very dear to him; for when he would leave home for short trips he would write her letters full of the tenderest affection. Emily Randolph, I thought, was better fitted to be his wife. She was not only wealthy, but had a timid, shrinking, retiring nature, that I felt sure would win upon his strong character. So you will understand that my motives in introducing Emily to my home were not altogether ambitious ones. Her connections were high, proud, and influential. Her disposition was very different from that of my niece, who was all sunshine and storm. Rose’s temper was not as patient as Emily’s, but I believe she was more unselfish and self-sacrificing. She was bright and cheerful, and prettier than

Emily, and fuller of life and spirit. But I thought that for these reasons John would love Emily the better, for he was strong and she was weak. The climate of California proved vastly beneficial to Emily’s health; but, as we were living in San Francisco, the climate became too harsh for her after she had experienced the first benefits of its bracing effect, and, as soon as I could, I moved to San José. I thought at first that my plans worked well. My son petted her, and treated her like a child; but that only gratified me, for I saw that he felt the difference in their natures. She seemed for a time to dread him, for he was, in her eyes, a peaceful lion, that might suddenly burst through the restraints of his taming, and tear and crush; and I think she still regards him in that light. Rose had a stronger nature, and did not fear her cousin. She was his companion, and not his slave. Now, you will at once see that with a man having his disposition—kindness and tenderness, accompanied by strength—there is no inclination to exercise, or feel consciousness of, any superiority whatever, but rather is there a longing for a helpmate and a companion. So I saw my cherished scheme fall to the ground through an insufficient knowledge of human nature on my part. I had studied the problem carefully, and had failed to solve it. I saw my niece continue her sway over my son’s heart. Then it was that I resorted to the last means in my power. I would reason with my niece, and plead with her, by the love she bore my son, to relinquish him. This interview occurred on the night of the 20th of June.”

But a few strands remained. A moment more, and the last thread would be raveled.

“I led her into my son’s room, and broached the subject as tenderly as I could. It was a terrible blow to the poor child; and at first it crushed her; but soon she recovered, and then, rising up in the majesty of outraged womanhood, she charged me with heartlessness and cruelty. Not only this, but she openly defied me, and said that she and my son were as near and as dear to each other as wife and husband could be, and that no power on earth—not even the machinations of his mother—could separate them. I was standing near the bureau, on which lay a small pistol my son had recently purchased for protection against burglars.”

The unhappy woman paused a while, for the supreme moment had arrived. Only one strand remained to hold together the straggling fringe, and she regarded it closely before removing it. Her voice was very low as she continued:

“In a moment of mad passion that I should be defied, and my fondest hope spurned, I raised the pistol . . . and fired. . . . May

God have mercy on my soul!" She buried her face in her hands; and, choking with sobs, fell upon her knees as she uttered the last words. Nothing now held the fringe together, and it fell upon the floor, an ungainly

heap; where a gust of wind, which then came eddying in, madly caught it up, whirling it hither and thither, finally driving several of the strands out between the bars—out to life, and light, and freedom. W. C. MORROW.

[CONTINUED IN NEXT NUMBER.]

THE DIVISION OF THE STATE.

The project of a division of the State of California is not new. Even at the time of the organization of the State, in 1849, the feeling in favor of a separate government was very strong in what are now the southern counties. This feeling, instead of dying out, grew stronger after the organization. In 1859, the State Legislature, recognizing the existence of this feeling, passed an act to provide for the separation of the counties of San Luis Obispo, Santa Barbara, Los Angeles, San Diego, San Bernardino, and a portion of Buena Vista, from the remainder of the State. This act provided for the taking of a vote of the counties specified upon the question of such separation. The act was approved by the Governor. The vote was taken, and the result was in favor of a separation. A certified copy of the act, with a report of the vote of the people of the six counties ratifying it, was transmitted officially by Governor Latham to the President of the United States.

These facts I take from a republication of the official documents in the *Los Angeles Weekly Express*, of May 8th, 1880, forming a portion of an article by ex-Governor John G. Downey. The ground is taken by Governor Downey, in his article, that this act is still valid, and that only the consent of Congress is now necessary to complete the division. Congress took no action at that time, probably because of the coming on of the war, and the absorbing interest of political subjects since then has left the whole matter dormant. The project has never been forgotten, however. It has since then been at various times discussed.

Several years ago I published in one of the *Los Angeles papers* an article urging anew the subject. This article was noticed to some extent by the papers of the State. The object of the present article is to show the causes at work tending to a division of the State; not discussing the question in any sectional or partisan manner, but as a question which should be considered in only one light, *viz.*: the welfare of

the people interested in its decision. Yet I write as a Southern Californian, loving my home, loving its snow-capped mountains, loving every mile of its broad, sunny plains, and the long leagues of its foam-girt shores.

Reasons tending to produce a separation:

First—The contour of the State is such that the southern portion belongs to an entirely different geographical system.

In an article entitled "Climatic Studies in Southern California," published in *THE CALIFORNIAN* for November, 1880, I described the two great parallel ranges of Californian mountains, the Sierra and the Coast, which hold between them that vast interior basin, the Sacramento-San Joaquin. This basin, with the San Francisco Bay and upper coast valleys, as the Humboldt, the Santa Cruz, and Salinas, forms one natural division of the State, constituting especially the Alta (or Upper) California of early Spanish days. But, as described in that article, these ranges, gradually drawing near to each other, at length unite south of the Tulare country in a broken confusion of peaks, from which the Sierra, emerging, circles around the westerly rim of the Mojave Desert, and then turns off to an easterly course, forming a vast wall between the upper interior basin and California of the south. This mountain-wall marks the dividing line between the Sacramento-San Joaquin California and an entirely different country. Practically, the only line of communication between the two for a quarter of a century of union under the one State Government was by the long circuit of the sea—down the rivers to San Francisco Bay, out of the Heads by ship, down four hundred miles of coast to the ports of Santa Barbara, Wilmington, and San Diego, and then back by land to the interior. The power of these mountains to separate a people is shown in the fact that places in a direct line only a few hundred miles from each other were thus, for the purposes of commerce or trade, a thousand miles apart.

For them the firelight's ruddy bloom,
 The laugh, the song, the dear caress :
 For me the labor and the gloom,
 The silence, and the loneliness.

O my one friend—unfailing, sure,
 Through life's young years! how far indeed
 The way, the barriers how secure
 That hold thee from my earnest need!

From this thy dear abiding place
 What undreamed mysteries divide—
 Else love, supreme o'er death and space,
 Would bring thee, helpful, to my side.

Away, vain thoughts! Ye do but take
 The strength I crave for daily tasks;
 And this (what though the heart should break!)
 Is all that now my spirit asks.

The manna of a kindly word
 By chance may feed me, now and then;
 At times Faith's silent chords be stirred
 By note of robin or of wren;

Upon some flower-face, lifted mute
 The road beside, my eyes may read,
 Sweeter than voice of bird or lute,
 A message fitting to my need:

Or, haply nearer than I see,
 Than this a darker threshold passed,
 An opening door may welcome me
 To home, to light and love, at last.

INA D. COOLBRITH.

A STRANGE CONFESSION.

CHAPTER XV.

On the production by Garratt of the alleged note from Judge Simon, Casserly hung his head in shame. Though he was capable of misrepresenting facts—a prominent trait of detectives generally, and considered by them legitimate—he could not have stooped to a forgery under such circumstances. He was on the point of protesting, but Garratt hurried matters forward, fearing to trust him. Casserly hesitated until it was too late. Besides, he was almost ready to believe that the end justified the means; for if, through careless detective work, he had permitted Howard, an innocent man, to bear the burden of guilt, he would have been disgraced as a detective; and Casserly, be it remembered, had certain noble aspirations in that direction.

After all, however, Casserly was uneasy. Had the young man been permitted to secure his mother's coöperation in the theory of accidental killing, the whole matter would have rested there, and the scaffold would have been useless. Once it had been nearly knocked down; now the grim shadow of its beam fell upon the floor of the woman's cell. True to his promise, Garratt had made the woman speak; true to his reasoning, she was the criminal.

"Garratt," said Casserly, when they had left the cell, "I am very sorry you forged that note."

"Nonsense, Casserly! I can't imagine what is coming over you of late. I suppose you understand the whole scheme now."

"I don't know," replied Casserly, in a tone that implied a desire to have as little to do with Garratt as possible.

Nevertheless, Garratt, always zealous, made an explanation :

"Old Simon has espoused the cause of these people, and is working against you."

Casserly leaned against the wall at the head of the stairs, with his hands in his pockets, and made no reply. This disappointed Garratt, who saw that Casserly took no interest in what he said.

"I discovered," continued Garratt, "that he had gained her confidence, and was going to befriend her."

Casserly rattled some coin in his pocket, continued to look at the floor, and said nothing.

"I knew, Casserly, that a note from him would settle everything."

"How about a prosecution for forgery?"

"I studied that over carefully. He will not bring suit, because by doing so he would publish the fact of his connivance with her. This would be all right if she had regularly employed him as an attorney. But not only did he quit the practice of law many years ago, but he avowedly was your assistant in this matter. He would blow out his brains sooner than let these facts become known. And, then, as to the legal question involved: you know well enough in what forgery consists, as defined by the code. A forgery of this kind does not come under that definition; for it was not uttered with the intention, nor did it in fact have the effect, of injuring him to any extent whatever. So you see he is bound hand and foot."

Casserly, looking weary and bored, commenced to descend. He was followed by Garratt, who was greatly annoyed at Casserly's silence.

They met Judge Simon on the lower landing. The old man's eyes looked bright, and his manner was cheerful.

"I have just come from Howard," he said.

Garratt regarded Casserly reproachfully, for Casserly had neglected the injunction.

"He said he told you all about it," continued Judge Simon, in a manner that indicated unspeakable gratification. "I knew all along that there was a misunderstanding. The whole thing is as plain as daylight now, Casserly, and I wonder that I allowed my first impression to leave me for an instant. The young man states the case clearly. Now, the whole trouble has consisted in this: The mother thought her son was guilty, and consequently rescued him, and endeavored to conceal him—simply because he never informed her. Learning that they were imprisoned and suspected, he hastened to surrender himself and clear up the mystery—even hesitating to change his original confession into one of accidental killing. You know, Casser-

ly, that I told you that such a man as you described Howard to be would naturally take a desperate step at first, being crushed and heart-broken, and that soon nature would assert itself, and he would come back to his normal condition. You remember that, don't you?"

"Yes," replied Casserly, wearily, and dreading to tell what he knew.

"Then it is all right. Doctor," said the old man, turning to Garratt, "of course you will hold the inquest immediately, and relieve these persons of the stigma resting upon them—but hasn't it been a strange affair? To think that all this trouble and anxiety should have arisen out of a mere misunderstanding! Why, it is remarkable, Casserly. And you were put to so much trouble, all for nothing, Casserly. That was a good joke," and the old man laughed heartily. "And to think there should be a riot about it! I'll tell you what I think: that hard-headed youngster ought to be soundly thrashed for putting everybody to so much trouble, and getting his mother and sweetheart into jail just because he was insanely stubborn." The old man was so happy that he laughed at his own humor.

"Have you been up to see his mother?" he asked.

Garratt waited for Casserly to reply; but the latter gentleman merely looked at the floor, and rattled the coin in his pocket.

"Yes," said Garratt.

"How did she take it? Considerably surprised, wasn't she?"

"We didn't tell her."

"Why?"

Garratt looked at Casserly, who seemed impatient, and desirous that the conversation should terminate. Garratt felt it a task to make the disclosure; but he bravely nerved himself for it, and said:

"Howard did not kill the girl."

"What!" exclaimed Judge Simon, snapping him up sharp and quick.

"I say," repeated Garratt, "that Howard did not kill the girl."

Judge Simon's face assumed a degree of pallor. "What do you mean?" he asked.

"Just what I say. We have discovered the guilty party."

"Nonsense!"

"We congratulate ourselves that it is a fact nevertheless, and that suspicion no longer rests on the wrong person."

This was having a strange effect upon the old man, who seemed stunned and bewildered; and his pallor was increasing.

"For my part," continued Garratt, "I am thankful that a way has been discovered where-

by justice may be wrought. Mrs. Howard has made a full and free confession of the—the killing of Rose Howard. She says she fired the pistol.”

The old man had been listening with bated breath and distended eyes. When Garratt finished, Judge Simon was crushed and beaten. His stout, generous, cheery heart sunk down—down, and a choking feeling in his throat prevented utterance. Garratt was alarmed at his appearance; but Casserly seemed utterly indifferent, looking at neither. Garratt, taking advantage of the old man's helpless condition, turned to leave, but was surprised to find himself caught by the arm in a quick, strong, nervous grasp, and violently thrown backward to the wall. Judge Simon's face was undergoing a wonderful change. Anger now flashed from his eyes, and speech returned.

“Garratt,” he said, in a thick voice, “you have done this. It is like your sneaking, cowardly nature. Garratt, I denounce you as a murderer. I denounce you as a man who has dishonored his manhood's birthright, and sold it for blood. Garratt”—and his voice was husky, while he shook with emotion—“if there is a God in heaven, I call upon him, in the name of human justice and divine right, to curse you; to pursue you with misfortune, disease, poverty, and death; and, finally, to damn you as only the meanest of heaven's enemies should be damned. Go!”

Trembling as a man palsied, the old Judge pointed to the door, the most intense scorn and loathing appearing in every line of his face.

Garratt meekly turned away, and, joining Casserly, left the jail. His step was hurried and nervous, for he dreaded the result of the disclosure that would follow Judge Simon's entrance of the cell; and, besides, there was not so much contentment and gratification in his face. Rather was there gathering gloom and darkness, and an apparent realization of having done too much. In spite of him, he could not banish from his memory a woman kneeling on the floor in anguish, and calling on God for mercy on her soul.

The two men walked along moody and silent; and Garratt saw that he had forfeited Casserly's esteem, for Casserly paid no more attention to him, and suddenly turned into St. John Street, leaving him alone.

Casserly was in a bitter mood, and it was caused not alone by Garratt's despicable act. But this was enough to set Judge Simon against him forever, and he was unhappy at the prospect of losing the old man's friendship. This was, at that time, a stronger feeling in Casserly's breast than sorrow that the criminal had

been discovered and run to earth. This troubled him, also. Yet there was another feeling, and one showing Casserly's weaker side. It was chagrin and mortification that Garratt had solved the problem, and not he; that Garratt had shown more sagacity and cunning; that Garratt had discovered things that he had not; that Garratt had treated him like a child, in not trusting him enough to confide in him. The former was his reason for despising Garratt; the latter, for hating him.

Perhaps in all his life Judge Simon had never before experienced so severe a shock. Besides grief occasioned by the woman's confession, there was profound mortification and humiliation that she had so completely ignored him, and, instead of trusting in him, confided her life-and-death secret to men who were hunting her without mercy.

But the old man was a philosopher. Anger and resentment, so far as feeling for her was concerned, found no place in his heart. Before he trusted himself to see her, he studied the subject from every point of view. He had already analyzed her disposition, and now confessed inwardly that he had mistaken her. It was possible, however, he thought, that her great strength of character had finally succumbed to weariness and exhaustion.

Could he yet save her? That was the only question that finally shaped itself. If the most cunning subtlety of the law could effect anything, he would resort to it. If the District Attorney, intrenched behind towering battlements of facts, piled high and cemented strongly, could resist an untiring siege that might extend through years, then the battle was lost already. But Judge Simon had enemies in his own camp. The prize for which he fought eluded and betrayed him.

After a long time he entered the cell. The unhappy woman was kneeling at the bed-side, weeping. All her strength was gone; nothing but tenderness remained, and womanly dependence, and hope that had changed from earthly to heavenly.

She did not move when he entered. He stood beside her, but she did not look at him; she cared no more for his friendship, he thought.

“My friend,” he said, softly and kindly.

She recognized his voice, and buried her face deeper in her arm, and wept more violently. He waited until she was more composed, and then took her by the arm, and gently raised her and seated her. The tenderness of his manner touched her deeply; and when she saw his face, there was not a trace of reproach—nothing but pity and sorrow; sorrow so great that it deepened the wrinkles in his face, and made

him look older. He spoke with all kindness: 'My dear friend, I am grieved to see you in so much trouble.'

Her tears started afresh at this.

"However," he continued, "we must not despair. You don't think it indelicate in me to still insist on being your friend, do you?"

"Oh, no—oh, no! Your kindness is a severer rebuke than reproaches could be. But you don't understand—you don't understand."

"I think I do. They entrapped you in some way. Tell me all about it."

With an effort she controlled her feelings.

"Well," she said, "they showed me a note from you—"

"A note from me! To whom?"

"To me—advising me to tell everything."

He rose from his seat in astonishment and anger, his eyes flashing angrily.

"It is a forgery!" he exclaimed. "I never wrote such a note."

"I knew it was a forgery," she said, calmly.

"It did not deceive me in the least—after I had considered it a while."

He was as greatly astonished at this as at the other.

"Then why, in the name of heaven, did you make that confession?"

This was rather abrupt, for she sunk under it.

"I had to—I had to," she sobbed. "And then, a confession following such a note from you, when I suspected that they had learned of your friendship for me, would have greater weight. They did not entrap me. I understood every word and movement."

Judge Simon was puzzled more and more, and for the first time he realized her superior tact. If her every appearance had not given unmistakable evidence of all hope abandoned, he would have believed that she was managing a scheme beyond his comprehension.

To make this belief in her despair a matter beyond doubt, he asked:

"Did they tell you that your son now says that he fired the shot accidentally?"

There could be no dissembling in the look of astonishment in her face that instantly dried up every trace of tears.

"Did he?" she asked, breathlessly.

"It is a fact."

And then, when she saw the mistake that she had made, it crushed her lower than ever. At length, between her sobs, she asked if she might be permitted to see her son.

"I think so," replied Judge Simon. "I will peak to Casserly."

"And Emily, too, if you please."

Judge Simon dispatched a messenger for Casserly, who came, and willingly consented, there

being nothing more to be gained by keeping them apart.

Strange as it may appear, the young man showed little sign of pleasure when the jailer came to conduct him to his mother's cell. He hesitated, and then passed silently out.

With Emily, however, it was very different. Her eyes lighted with intense pleasure. She was kept in ignorance of the confession. Judge Simon himself accompanied the eager, trembling girl.

Howard entered the cell first. Only his mother and Casserly were within. Mrs. Howard had been standing with parted lips, and every nerve strung to its utmost tension, while the door was being unlocked. When her son appeared on the threshold, she started toward him with a suppressed sob of joy and extended arms. Then she suddenly halted, and seemed turned to stone; for, plainly enough to her keen sight, appeared in her son's face the merest shadow of a look of repulsion.

"My son!" she stammered, inarticulately.

"Mother!" was his reply—but not in the warm tone that every circumstance seemed to require; for he, also, was in ignorance of her confession. It is true that he put his arm around her and kissed her; but, for all that, it was in a manner that so went to the mother's heart, congealing the warm blood there, that she shrunk away, and cowered in a chair. The young man exhibited no surprise at this movement of humiliation and despair.

Just at this time Judge Simon entered with Emily. The timid girl cast an eager and indescribably longing look upon the young man, who took a step toward her; but she saw Mrs. Howard, and went to her, and put her arms around her with affectionate tenderness.

"My darling mother!" she said.

The poor woman took the girl in her arms, and held her close to her heart, kissing her and weeping bitterly.

"Mother," whispered the girl eagerly, "may I speak now?"

"No!" replied Mrs. Howard, a terrible fear checking her tears.

But Casserly overheard them. He gently raised the girl, and, taking her aside, in a kind manner, said:

"It is not necessary to say anything now. She—she has confessed everything."

"Who has?" asked the girl aloud, greatly startled.

Casserly replied by pointing to Mrs. Howard, and added:

"Hush! She has told the whole story—how they were talking—how she fired the pistol—everything."

"Who fired the pistol?" asked the girl, in a loud voice.

Casserly was annoyed. Her voice had attracted the attention of all present. Casserly's annoyance led him to say aloud:

"Mrs. Howard has confessed that she killed the girl."

Emily's eyes opened wide with unbounded astonishment, and her look was one of utter helplessness. Howard was electrified. His face blanched, his heart stopped beating. The momentary silence was terrible. Then Howard regained his composure, and, stepping forward, said, in an excited manner:

"My mother is innocent! Oh, mother, mother! why do you want to sacrifice yourself to save me? I solemnly swear, in the presence of God, that I alone am guilty. Casserly——"

"John!" Emily had sprung forward, and grasped him by both arms, looking up into his face with such a startled, frightened look, that he thought she was insane—such a wild, unearthly look—so unlike the Emily that he knew. Her exclamation and strange manner checked him; and he put his hands upon her shoulders, and looked wistfully into her eyes.

"John!" she exclaimed again, in absolutely a meaningless tone, gazing at him wildly.

Then she released his arms, and ran to Mrs. Howard.

"Mother!" she stammered, her cheeks flushed and her eyes staring. "Mother! I *will*—speak. You are innocent! I—I—don't—don't—look at me so. I *will* speak. Don't let her—look—at me. Don't let her—speak—to me. I *will* speak! I have it here—in my bosom—don't—don't look at me—don't come—near me—gentlemen, gentlemen, don't let her touch me! Hold her back! Now—don't let her speak—I have it here—right—here!"

These wild, broken remarks were made while Mrs. Howard was endeavoring to check her; and the girl, in a frenzied manner, pulled at her dress, and, in her nervous excitement, failing to loosen it. Every eye was fastened upon her, and it was thought the trouble and excitement of the last few days had destroyed her reason. She seemed actuated by an uncontrollable desire, amounting to frenzy, to disclose something, in spite of Mrs. Howard's wish and efforts to prevent her. She tugged nervously at her dress, as she said:

"I—I—have it safe—here. I *will* speak! It is here—I tell you it is here! O God! There—don't let her look at me! Gentlemen, gentlemen, don't let her! John! I *will* speak—it is here! There—read it! read it, I say! Quick! You *must* read it! Don't let her prevent you!"

She opened her dress. Eagerly she handed Casserly an unsealed letter. As she did so, Mrs. Howard ceased her endeavors to silence the girl, and all were astounded at the course events had taken. Casserly glanced at it, examined the signature, read a few lines, and then looked up, bewildered.

"Read it!" exclaimed Emily. "Read it aloud!"

As Casserly proceeded to comply, the look of astonishment on his face was caught by the mother, and son, and Judge Simon.

CHAPTER XVI.

The letter was as follows:

MY DARLING, DARLING MOTHER:—With a broken heart, I thank you for all the kindness you have shown me. When you read this you will already know that your home has been disgraced. But I cannot help it. I believe that I have tried with all my strength to spare you this last blow. I have struggled with all the strength of a woman's nature, and am beaten. And I have prayed as you taught me years ago. But that was a long, long time ago, mother, when the sky was bright, and when I was happy—so happy! And I think now, in the bitterness of my sorrow, and in the poignancy of my grief and humiliation, that Heaven does not help us when most we need assistance; that God can mend only hearts that are torn and bruised, and not hearts that are broken. You have already guessed the cause of my despair. But it is so much better that I should die—so much better, mother! Yes; I have loved him all my life. I loved him so tenderly—so devotedly—so madly! I beg you will not show him this letter. I could not bear that this trouble should come upon him in addition to the tragedy; for I want him to think that I madly and rashly took the fatal step—in a moment of selfish desire to end my own troubles at the sacrifice of so much that concerns the pride, and perhaps the happiness, of others—of you, at least, dear mother; for if he thinks that, he will care less. Let him remain in ignorance of this letter. And even tell him for me—will you not, dear mother?—that I was an impetuous, rash, inconsiderate girl, who did this act merely in desperate spite or anger. Ah, I am not suited to him! God gave me so passionate a love, and so noble an object of love, and did not make me to win the reward! I do not wish, my dear, dear mother, to say anything now to wound you; but I must make you aware of things you never knew. I write it not in a feeling of bitterness or reproach, but merely to make you more reconciled. You feared that he loved me better, and that my nature won upon him more, and that he preferred me because of my greater strength. But it is not the case. The orphan girl, who now writes you her thanks for all the years of tender patience that you have devoted to her, never aspired to win him—your idol; never hoped that she would be called his wife, and would hold his children to her breast—oh, no; not that. But she lived on in a dream of enchantment—happy that he was only near her. She would not, if she could, have been a burden or a hindrance to him. He is ambitious, and would not marry

such as I. Ah, in my despair I have written it! It is a reproach upon him, and is false! I seek for excuses for my own short-comings, and selfishly and unjustly, in my weariness and pain, accuse him. He is the soul of honor. It is not his fault.

Do you know, dear mother, what I would have done rather than marry him? I would have committed the deed that will follow the writing of this letter, and which I cannot name. Why? Because, in his generosity and unselfishness, knowing, perhaps, that I loved him better than my own life, he might have offered to marry me, and thus sacrifice his happiness. For I knew that he did not love me as I would have my husband to love; and I knew that I would not be an honor to him. I would not have allowed him to sacrifice himself.

Then why this rash act, you will call it? Because I realize, as I never have before, that I am no dearer to him than a sister. I knew it all along, but I still was happy until I saw that I did not enter into his life. I cannot explain this, mother, as I feel it. I am tired—so tired, and cannot think clearly.

No; my nature is too strong for his. You have always been mistaken. He must have a tender vine clinging to him and depending upon him, like—

Ah, how sad it is, mother! As I write this, the tears so dim my sight that I can hardly see. But I am not acting rashly. I have thought it all over carefully, and now believe that, although the pain and disgrace that you will feel, and the sorrow, too, I hope, dear mother, will be great, they will be justified in the securing of his consciousness of perfect freedom. I might leave, to return no more; but he would be distressed, and would hunt the world over to find me. He will not look for me now to return. I will pass out of his life—out into eternity; so far away that he may be grieved, but not anxious. There is only one thing beyond the reach of anxiety, and that is death.

Have I written anything that wounds you? If so, forgive me, for I did not intend it. I believe that you love me now, as you always have loved me. I have all my life tried very, very hard to deserve your love; but I know that frequently—very frequently—I have failed. I know that I have often annoyed and distressed you. I have always been such an impetuous child! But whenever I did anything you disliked, I suffered keenly and deeply. At this supreme moment of my life, I turn to you, and open my heart to you, of all others. I love you so dearly, my mother, my mother! And were it not that this is my only alternative, in every sense of justice and right, I would struggle bravely through life to the grave rather than subject you to this pain. I rather would have them say that my mind was wrong, and that no other cause be assigned; for if there were, it would stand forever as a reproach to *him*, and be a lasting pain in his conscience. He may discover or suspect the cause, but, even if he does, I cannot help it. I *must* do it. You do not know, my dear mother, the great strength that impels me to it with a force that nothing can resist; and then, I believe it is right. I believe that, as I act conscientiously, I will be forgiven. I believe that when the power of God is not directed to save a breaking heart, it is intended the heart shall perish.

Mother, will you plant flowers on the spot where they lay me—mignonette, mother, and violets, and let the sun shine full and warm upon them? Farewell, mother—and farewell—John.

ROSE HOWARD.

During the reading of this sad solution of the mystery, the mother and son—he had avoided her look before—regarded each other with such profound surprise and pain that it was touching to see; then, before Casserly had read far, the young man went to her, and put his arms around her, and buried his face in her shoulder, while she clasped him tenderly about the neck, and kissed him again and again. And Emily, when she saw that there had been a great and almost fatal misunderstanding, and that she had done right to produce the letter against Mrs. Howard's wishes, succumbed under the relaxation of long suspense and suffering, and fell across the bed, and wept softly.

A strange quiet followed the reading. Judge Simon was looking through the window to hide the tears that streamed down his cheeks in spite of his efforts to restrain them, and that suppressed all power of utterance.

And Casserly? It is difficult to describe his feelings. He might have been grateful that the innocence of all suspected was established, but, if he was, he was unconscious of it; for, above it, and mastering it, and stifling it, arose deep and painful disappointment and chagrin. And yet Casserly was not a hard-hearted man; he was simply ambitious. His pride had a terrible fall. For this, then, had he followed up this clue and that suspicion; for this had he lain awake and studied the matter so thoroughly and exhaustively; for this had he shown the keenest acumen of detective skill and instinct; for this had he worked, and planned, and struggled. It was no consolation that not another soul had even dreamed of the truth; for Casserly was a detective, and detectives must know even things that are hidden from heaven. He had resorted to lying and cruelty—and what had he won? The hatred of his dearest friend and the jibes of the world. His mind went back and reviewed it all. The woman had outwitted him by effecting the escape of Emily; the son had effectually deceived him by confessing a crime of which he was innocent; the mob had fooled and cheated him by stealing the prisoner from his very grasp; the mother had out-managed him by rescuing her son; his ruse to extort a confession from Emily had failed; and last, but greater than all, the mother had imposed upon him her confession. Casserly was disgraced. Why had he not thought of the possibility of suicide? It was a simple and natural thing. He did not even question the authenticity of the letter, nor desire to know how it came to Emily's possession. Everything established its truth, and that was sufficient—the surprise of the mother and son, and their silent reconciliation—everything.

It was almost more than Casserly could bear. He stepped silently to the door, and rapped. The jailer soon appeared. As he did so, Judge Simon advanced toward Casserly, and said, in a constrained voice:

"Of course, you will order their release."

Casserly halted, but did not look at the old man. He hesitated a moment, and replied, in such strange and altered tones that Judge Simon hardly recognized them as Casserly's:

"Yes."

He passed out, leaving the door open. The jailer was about to close it, when Casserly checked him, and the two walked away together. Thus had Casserly so completely ignored the Sheriff, the proper custodian of the jail, in order that none but Casserly should solve the mystery of Rose Howard's death. It might be asked, Why did not Casserly seek to ascertain the reason for the two confessions, and have every hidden thing cleared up? But Casserly did not care to know. He thought very little about it.

Judge Simon now felt himself an intruder. He had accomplished nothing; the whole matter had worked itself out in quite a natural manner, and entirely without the exercise of the great legal talent he thought to bring to bear; but to say that he was gratified and happy, and that not a trace of consciousness of his inutility disturbed his happiness, as it would Casserly's under such circumstances, would be a statement of but a meager part of the truth; for, though it would have been an inestimable pleasure to have assisted his new friends, whatever natural disappointment there might have been on this account was swallowed up in his gratitude that the danger had not been so great as to require legal perspicacity and skill—that the trouble was so entirely cleared away that even the pretense of making a defense became unnecessary.

The three silent figures in the cell had better be left alone. He was crossing the threshold to leave, when Mrs. Howard called to him. He reëntered, and she silently grasped his hand.

"My friend," he said, his voice husky with emotion, "I congratulate you from my heart—and you, too, young man," he added, warmly wringing John's hand. "I hope you will not think, my friends, that I was leaving you without speaking simply because I was not happy at this termination of your troubles. I—I felt an intruder, and —"

"I know your nature too well, sir," replied Mrs. Howard, "to entertain such an idea. Is it not all so strange?—the misunderstanding, and my son's noble willingness to sacrifice himself? John, you thought I did it, and you were

anxious to give up your life to save mine, and to protect me from disgrace."

John hung his head. His triumph was not unalloyed; for he bitterly remembered that his own life had become precious, and that he had concocted a story of accidental killing, which would not jeopardize his life. John would have been a hero now if he had never done that; but as it is, he was little removed from a coward—a thing he held in the utmost contempt. Still, there was cause for pride—he *had* shown a willingness to lay down his life for his mother's sake. Ah, human nature!—frail, weak human nature! And his pride, too, must have a fall.

"John," said Judge Simon, "such a mother as yours is worthy of any sacrifice that her son might make. She, too, as you already know, confessed, and solely to save you. It was not enough that she ran the risk of untold danger to effect your escape; but she convinced Casserly, with a statement that would put to the blush the shrewdest legal talent, that she alone was the guilty one. She would have cheerfully died for you, John."

The young man almost broke down under his great emotion. He silently pressed his mother's hand, and realized, to its full extent, her superiority over him in every noble trait.

"But why is it," asked Judge Simon, "that this strange misunderstanding arose? It is a great mystery to me."

"Well," answered John, looking somewhat confused and embarrassed, "I thought—I thought—but mother has guessed it."

"Yes," she said; "you felt sure that I had done it; and I was equally positive that the poor child had angered you, and that you madly killed her."

John was aghast at this explanation.

"Thought I did it!"

"Yes; you acted so strangely —"

"Why—why, it was because I thought you were guilty. And that is the reason you darkened the hall, and urged me to leave—and all that. I never thought of it. I believed you wanted me to leave in order that your—forgive me, mother!—your disgrace would not reflect upon me, or that you, perhaps, were afraid that I might testify against you."

"My son!"

"It is all clear now. What a pity we never understood each other. Emily!"

The girl, whose face until then had been buried in the pillow, though her sobs had ceased, arose, and seemed very guilty and decidedly foolish as she stammered:

"I—I didn't understand your mother. I saw the letter on her bureau just before the shot was fired, and—and I recognized the handwrit-

ing, and saw the envelope was not sealed, and—I—thought it wouldn't be—wrong to—to read it, and so I thrust it into my bosom, and—and then there was so much excitement that I forgot it, and thought there was something terribly wrong, and that I had to obey everything your mother said, and—”

Then she broke down. And so it was her woman's jealousy after all that brought on the terrible misunderstanding.

“I didn't read it,” she sobbed, “until I arrived at Santa Cruz; but I thought I must obey every word your mother said. I thought it was—so strange—John—that you told that man I did it. How could you, John! Oh, John, how could you!” and she sobbed so violently that John himself could hardly keep from crying, and then he picked her up and took her in his arms, and pressed her close to his heart, kissing her—oh, it is impossible to say how many times.

“Why, you little goose,” he said, “I never told a soul anything of the kind. Don't you know, simpleton, that Casserly adopted that ruse to make you speak?”

“Oh!” she exclaimed, as the truth dawned upon her; and she added: “John, don't you know that I never would have said anything, even if you had been guilty?”

John laughed, and kissed her again—many times.

Their great joy was tempered by the sad occurrence of a few days ago, and they spoke in low tones, and with reverence for the poor dead girl. It made John an older man.

It must have been amusing to Judge Simon to see the timid girl nestle in John's strong arms, and fit into them, and into his heart, as though she were made especially for that purpose. Young people are so ridiculous!

They left the jail, and Judge Simon parted with them at their gate. They entered, and the door closed upon them. The old man went slowly homeward, wondering if it were all true; and at times he suddenly would look up, as though he were prepared to see the sky turn green, or the trees to be growing in an inverted position. He would have been surprised at nothing. “The strangest thing!” he would say aloud to himself—“the strangest thing!”

About ten o'clock the next morning John entered a saddler's shop on First Street, and, after making a trifling purchase, asked to be directed to the Coroner's office. This was done, and he proceeded thither, at the same time deftly slipping something up his left coat-sleeve.

He entered the office. Garratt was alone, and sat on a high stool at his desk, looking crestfallen.

“Good morning, Dr. Garratt,” said Howard, gravely.

Garratt turned, and recognized his visitor, and felt his heart sink.

“Ah,” he exclaimed, “Mr. Howard! I—I am—am—very happy to see—to see—you free—and—and—”

The official was choking with fright. Nevertheless, Howard was so grave and calm that he hoped there was no danger.

“I didn't come to have you say that,” Howard replied, quietly. “I come simply on a matter of business. Have you held the inquest?”

“Oh, certainly; last night, you know, as soon as Casserly showed me the letter and told me everything. Oh, yes; that is all right; verdict of suicide, you know. Very unfortunate and sad, wasn't it?”

“I do not care to hear you say so, Dr. Garratt. I am here simply on business.”

“I shall be happy to accommodate you, Mr. Howard,” replied Garratt, briskly.

“I do not wish to be accommodated, sir. My visit is a matter of business. Do you think any one will be apt to come in and interrupt us?”

“Oh, no; certainly not. We are perfectly private here.”

“Still, it will be safer,” said Howard, “to close the door”—which he did at once, and turned the key.

Then Garratt was thoroughly alarmed; for, though the young man was in no wise excited, but, on the contrary, was calm and grave, this act was unaccountable to Garratt, who was on the point of crying out for help. But Howard's manner appeared easier, as if he were relieved to think there could be no interruption, and Garratt waited.

“I wish to say, in the first place, Dr. Garratt, that throughout this whole matter you have exhibited a zeal that, to say the least, was highly unbecoming.”

“Say nothing about that, Mr. Howard, I pray. No one regrets it more than I. You see, what could I do? I had to do my duty, and you know well enough that circumstances were very strong—very strong, sir. You will admit that. You must understand my position. Such things are very unpleasant and distasteful, but my duty is plain. I could not help it.”

“Was it your duty to be harsh with my mother at your first interview with her?”

“I was not harsh, Mr. Howard. I was simply performing a duty.”

“Was it your duty to ransack her house, and pry into her correspondence, and read all the letters you saw, and have a mob in the house to assist you?”

"You must be reasonable, Mr. Howard. I was compelled—"

"Was it your duty to forge a note from Judge Simon, and thus attempt to entrap her into a statement?"

"Mr. Howard, I assure you—"

"Answer the question, sir!" demanded Howard, in a terrible voice, and with a dangerous look in his eyes.

"Mr. Howard, I—"

"Answer the question. Was it your duty?"

"Yes, sir."

"Well, then, it is my duty to thrash you, for the contemptible hound that you are!"

As he thundered out this dread sentence, he seemed to Garratt to dilate to enormous dimensions, while the Coroner became ghastly pale.

"You have me at a disadvantage," he said, trembling in every joint and fiber. "You are armed."

"Yes," replied Howard, in a lower tone and with more calmness; "I am armed to the teeth." Saying which, he drew a riding-whip from his sleeve—a keen and cruel-looking whip. "This is my weapon," he said.

He struck Garratt across the face with it, and the blood started. Garratt shrieked, and writhed, and rolled upon the floor in agony; but the furious young man caught him by the collar, and dragged him to his feet, and held him while he whipped him unmercifully—whipped him systematically from head to feet; laid it on heavily and at regular intervals; whipped him as he would whip a dog; twisted his hand into Garratt's collar, and held him at arm's length, and plied the whip; held him in spite of Garratt's fierce struggles from the maddening pain; whipped him until he had finished; and then he contemptuously flung him aside, streaming with blood where the whip had cut through the skin in a dozen places, unlocked the door, and went quietly away.

He had another duty to perform. Casserly must be attended to, for he had aided and abet-

ted Garratt and had frightened Emily. The young man did not for a moment hesitate at Casserly's gigantic strength; the thought of danger did not occur to him.

He found Casserly in the police station, sitting before the desk. Casserly looked up, and, on recognizing Howard, his face brightened. At the same time he caught sight of blood on Howard's hand.

"Hello!" he said, "what's that?"

"I have just given Garratt a thrashing with this whip, and I come—"

"To give yourself up!" exclaimed Casserly, rising, and showing unmistakable evidence of immense satisfaction. Then he burst into a laugh—a gleeful, hearty laugh—and said to the astonished young man, "I'm glad you did, ha ha! Arrest you? I wouldn't touch a hair of your head. Give me your hand. He has needed that thrashing for five years—ha, ha, ha!"

If ever there was an astonished man, it was Howard; if ever there was disarmed vengeance, it was Howard's. He silently grasped Casserly's hand, and felt ashamed at his contemplated act, and never mentioned it to any one. He was forced to like Casserly, for the latter made him sit down, and was so cheerful that Howard imbibed his feeling. They talked for some time, and Casserly modestly related his efforts to save the young man from the violence of the mob, and how he was ashamed and disgraced by Garratt's forgery. Then Casserly spoke bitterly of the forfeiture of Judge Simon's friendship through this disgraceful act of Garratt's; and Howard promised that he would explain it, and effect a reconciliation, which afterward he did.

About a year thereafter, there was a quiet and happy wedding at Mrs. Howard's residence. Judge Simon was there, for he had become almost as one of the family; and it was with immense pride and satisfaction that he gave Emily to John, and then blessed them.

W. C. MORROW.

THE END.

DOUBTING AND WORKING.

There is a well known speculation of Dr. Holmes as to the number of people who really are concerned in a conversation between any two men. Each one of these men has a real and true character—is what he is. Each one of the men has a notion of the other's character,

and probably thinks his notion a very fair one. And each one has a still more distinct and fixed idea as to his own character. Now, the words of each man are determined by what he himself really is, by what he thinks of himself, and by what he holds of the other. So that in fact